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Washington, Thursday, July 30, 1942

The President

EXECUTIVE ORDER 9206

PREScribing REGULATIONS GOVERNING THE GRANTING OF ALLOWANCES FOR QUARTERS AND SUBSISTENCE TO ENLISTED MEN

By virtue of and pursuant to the authority vested in me by section 10 of the act of June 16, 1942, Public Law 607, 77th Congress, I hereby prescribe the following regulations governing the grant-

ing of (1) allowances for quarters and subsistence to enlisted men of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service who are not furnished quarters or rations in kind, and (2) allowances for quarters to enlisted men of the first, second, and third grades in the active military, naval, or Coast Guard service of the United States having dependents as defined in section 4 of the said act, for periods during which public quarters are not provided and available for such dependents:

ALLOWANCES FOR QUARTERS AND SUBSISTENCE TO ENLISTED MEN NOT FURNISHED QUARTERS OR RATIONS IN KIND

TABLE I

Men on duty where quarters or rations in kind are not furnished shall be granted daily allowances as follows:

| | No Government quarters furnished | Government quarters furnished |
|--|--|-------------------------------------|
| A. General—When assigned to countries or places not otherwise hereinafter specified: | | |
| (a) Subsistence..... | \$1.25 | \$1.25 |
| (b) Quarters..... | 1.25 | 1.25 |
| B. Special—When assigned (except as hereafter provided) to Europe, South America, India, Africa, Australia, or at such other countries or isolated stations as determined by the head of the department concerned, or when absent from their ships on temporary duty not involving travel: | | |
| (a) Subsistence..... | 2.25 | 2.10 |
| (b) Quarters..... | 1.25 | 1.25 |
| Exception No. 1—Canal Zone | | |
| (a) Subsistence..... | 1.00 | 1.00 |
| (b) Quarters..... | 1.25 | 1.25 |
| Exception No. 2—Alaska | | |
| (a) Subsistence..... | 3.00 | 3.00 |
| (b) Quarters..... | 2.00 | 2.00 |
| Exception No. 3—Naval Missions to Brazil, Colombia, Ecuador, Peru, and Venezuela | | |
| (a) Subsistence..... | 1.75 | |
| (b) Quarters..... | 1.25 | |
| Exception No. 4—American Embassies, Bogota, Colombia, Havana, Cuba, and Moscow, U. S. S. R.; and American Legations, Addis Ababa, Ethiopia, and Guatemala City, Guatemala | | |
| (a) Subsistence..... | 3.00 | 3.00 |
| (b) Quarters..... | 2.00 | 2.00 |
| C. Special—Enlisted men assigned to duty where emergency conditions justify such allowances, payable at the discretion and upon the determination of the head of the department concerned, in lieu of allowances at rates otherwise specified herein: | | |
| (a) Subsistence..... | 3.00 | 3.00 |
| (b) Quarters..... | 2.00 | 2.00 |

NOTE 1. Upon arrival at or departure from a station where allowances for subsistence are paid, allowances shall be computed as follows: The day to begin at midnight; for 18 hours or more at the station, one whole day; for 12 hours or more but less than 18 hours at the station, two-thirds of one day; for 6 hours or more but less than 12 hours at the station, one-third of one day. No allowance for subsistence shall be paid for the day on which a man arrives at a station after 6 o'clock P. M.

NOTE 2. In determining the allowance for quarters a fractional part of a day shall be computed as a whole day, the day to begin at midnight.

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TABLE II

Men traveling on duty where cooked or travel rations are not furnished for the journey shall be granted daily allowances as follows:

| | Travel status including detention not exceeding three days at one place | Travel status involving detentions | |
|---|---|--|---|
| | | For 4th to 6th day (inclusive) of detention at one place | For 7th to 31st day (inclusive) of detention at one place |
| A. Sleeping-car, stateroom accommodations, or other quarters furnished: | | | |
| (a) Subsistence (in dining car on train at not to exceed \$1.00 per meal)..... | \$3.00 | | |
| (b) Subsistence (elsewhere at not to exceed \$.75 per meal)..... | 2.25 | \$1.50 | \$1.00 |
| B. No sleeping-car, stateroom accommodations, or other quarters furnished: | | | |
| (a) Subsistence (in dining car on train at not to exceed \$1.00 per meal)..... | 3.00 | | |
| (b) Subsistence (elsewhere at not to exceed \$.75 per meal)..... | 2.25 | 1.50 | 1.00 |
| (c) Quarters when subsistence includes 3 meals in dining car on train at not to exceed \$1.00 each..... | 1.50 | | |
| (d) Quarters when subsistence includes 2 meals in dining car on train at not to exceed \$1.00 each..... | 1.50 | | |
| (e) Quarters when subsistence includes 1 meal in dining car on train at not to exceed \$1.00..... | 1.50 | | |
| (f) Quarters when subsistence is paid at rate of not to exceed \$2.25 per day..... | 1.50 | 1.50 | 1.25 |
| C. Special: Europe, Mexico, Central America, and South America: | | | |
| (a) Subsistence..... | 3.00 | 2.70 | 2.25 |
| (b) Quarters (if not furnished by the Government)..... | 2.00 | 1.50 | 1.25 |
| Exception No. 1—Alaska | | | |
| (a) Subsistence..... | 3.00 | 3.00 | 3.00 |
| (b) Quarters (if not furnished by the Government)..... | 2.00 | 2.00 | 2.00 |

NOTE 1. The combined allowance for subsistence and quarters shown in first column opposite subdivisions A and B under heading "Travel status including detention not exceeding three days at one place" shall in no case exceed \$5.00 for any one day.

NOTE 2. When in a travel status allowances for subsistence shall be computed as follows for the day of departure from and arrival at station: The day to begin at midnight; for 18 hours or more in travel status, one whole day; for 12 hours or more but less than 18 hours in travel status, two-thirds of one day; for less than 12 hours in travel status, one-third of one day. No allowance shall be paid for the first day of a journey which begins after 6 o'clock P. M.

NOTE 3. In determining the allowance for quarters a fractional part of a day shall be computed as a whole day, the day to begin at midnight. No allowance shall be paid for the first day of a journey which begins after 6 o'clock P. M.

NOTE 4. Men absent under orders from their stations upon duty which involves travel and also temporary detentions during the journey shall be deemed to be traveling under orders during the entire period of such absence. Allowances for the periods spent in actual travel, including detentions not exceeding thirty-one days, shall be computed as indicated in Table II. For longer periods of detention at one place, the allowances prescribed in Table I shall govern after the first thirty-one days. The day of actual arrival at, or departure from, place of detention shall be considered a day of travel.

Payments of allowances for quarters and subsistence may be made to enlisted men not more than one month in advance, except that as to men proceeding to or from a station beyond the continental limits of the United States or in Alaska, such payments may be made not more than three months in advance. The heads of the Departments concerned may prescribe such additional regulations as may be necessary to carry out the provisions of this paragraph.

ALLOWANCES TO ENLISTED MEN OF THE FIRST, SECOND, AND THIRD GRADES HAVING DEPENDENTS AS DEFINED IN SECTION 4 OF THE ACT OF JUNE 16, 1942

Each enlisted man of the first, second, or third grade in the active military, naval, or Coast Guard service of the United States who is not entitled to a money allowance for quarters in a non-travel status under the provisions of section 10 of the said act of June 16, 1942, and who has a dependent as defined in section 4 thereof, shall be entitled to receive for any period during which public quarters are not provided and available for such dependent, the money allowances for quarters prescribed for enlisted men in a non-travel status by Table I above. Any such enlisted man shall continue to be entitled to this allowance although receiving the allowance for quarters in a non-travel status prescribed by Table I above, if by reason of orders of competent authority his dependent is prevented from dwelling with him.

The term "dependent" as defined in section 4 of the said act of June 16, 1942, shall include at all times and in all places a lawful wife and unmarried children under twenty-one years of age. It shall also include the father or mother of the person concerned provided he or she is in fact dependent upon such person for his or her chief support: *Provided*, That the term "children" shall be held to include stepchildren and adopted children when such stepchildren or adopted children are in fact dependent upon the person claiming dependency allowance.

This order shall supersede Executive Order No. 8688 of February 19, 1941,¹ and Executive Order No. 8704 of March 4, 1941,² as amended by Executive Order No. 8759 of May 24, 1941,³ and Executive Order No. 9105 of March 19, 1942;⁴ and shall be effective as of June 1, 1942.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
July 27, 1942.

[F. R. Doc. 42-7285; Filed, July 28, 1942;
2:55 p. m.]

¹ 6 F.R. 1083.

² 6 F.R. 1302.

³ 6 F.R. 2600.

⁴ 7 F.R. 2199.

Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter X—Civil Service Commission

PART 17—REGULATIONS OF THE BOARD OF LEGAL EXAMINERS

TRANSFER AND PROMOTION WITH INCREASE IN GRADE

The following section is to be added to the regulations issued on June 27, 1941, 6 F.R. 3577; August 6, 1941, 6 F.R. 4091; August 14, 1941, 6 F.R. 4181; November 7, 1941, 6 F.R. 5799:

§ 17.7 *Transfer and promotion with increase in grade—Minimum qualifications applied.* The minimum qualifications required for new appointments by § 17.2 (c) shall apply to transfer and promotion with increase in grade: *Provided, however*, That with the prior approval of the Board of Legal Examiners the incumbent of an attorney position whose work is certified by the Chief Law Officer of the employing agency to be of unusually high quality may without reference to the foregoing limitation be advanced to a position in the same agency in the next higher grade.

By the United States Civil Service Commission.

[SEAL]

H. B. MITCHELL,
President.

MAY 4, 1942.

[F. R. Doc. 42-7305; Filed, July 23, 1942;
10:34 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

—[Order No. 353]

PART 3—FUNCTIONS OF ADMINISTRATIVE OFFICERS

AUTHORITY, FUNCTIONS, POWERS, AND DUTIES OF PRINCIPAL APPRAISER, REVOLVING FUND SECTION

Part 3 of Title 6, Code of Federal Regulations, is amended by adding a new § 3.61, as follows:

§ 3.61 *Functions, powers, authority and duties of C. H. McClain, principal appraiser, Revolving Fund Section.* C. H. McClain, principal appraiser, Revolving Fund Section, is authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Director of the Revolving Fund, in the event that the Director is unable to act by reason of absence from the Kansas City office of the Farm Credit

Administration, or for any other cause. (E.O. 6084, Mar. 27, 1933, 6 CFR 1.1 (a))

[SEAL]

W. H. DROSTE,
Acting Governor.

[F. R. Doc. 42-7223; Filed, July 23, 1942;
3:45 p. m.]

PART 31—FEDERAL LAND BANK OF BERKELEY

PARTIAL RELEASE FEES

Section 31.6¹ of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 31.6 *Partial release fees.* The fees provided herein shall be collected by the Bank on Federal Land Bank loans, purchase money mortgages and real estate sales contracts, Commissioner loans, and Federal Farm Mortgage Corporation real estate sales contracts or purchase money mortgages.

(a) *Release of physical security or subordination of mortgage or deed of trust.* Whenever a release of physical security is requested by persons desiring to sell portions of their mortgaged farms, to permit highways to be constructed across them, to sell water rights, to remove timber, gravel or buildings from the mortgaged land, or whenever a subordination of the mortgage or deed of trust to the rights of the lessee under an oil, gas or mineral lease is desired, the fees shall be as follows:

| | |
|---|---------|
| When Bank makes appraisal and association makes field inspection..... | \$20.00 |
| When Bank makes appraisal and association makes no field inspection..... | 15.00 |
| When Bank makes no appraisal and association makes field inspection..... | 5.00 |
| When Bank makes no appraisal and association makes no field inspection..... | No fee |

Whenever an application for release of physical security or subordination is filed simultaneously with an application for an additional, refunding or divided loan, both the regular application fee and the partial release or subordination fee shall be charged if a separate appraisal on the partial release or subordination application is made by the Bank.

(b) *Release of chattel mortgage.* When an application for the release or partial release of a chattel mortgage is requested and the Bank makes an appraisal, the fee shall be \$15.00.

(c) *Release of personal liability.* When a former owner of the property or other person liable for the debt requests a release from personal liability therefor, the fee to accompany the request for such release shall be \$25.00. In case an appraisal is not made by the Bank, \$15.00 shall be refunded.

(d) *Release of physical security or subordination of mortgage or deed of*

¹ 6 F.R. 6523.

trust and personal liability. When an application for release of physical security or subordination of the mortgage or deed of trust is filed simultaneously with an application for release of personal liability, the fee shall be \$25.00. In case an appraisal is not made by the Bank, \$15.00 shall be refunded. (Secs. 4, 13 "Ninth", 39 Stat. 363, 372, sec. 26, 48 Stat. 44, sec. 32, 48 Stat. 48, as amended, sec. 2, 48 Stat. 345; 12 U.S.C. 676 "Seventh", 781 "Ninth", 723 (e), 1016 (e) and "Sup.", 1020a; 6 CFR 19.4019) [Res. Ex. Com. June 3, 1941, September 24, 1941, April 9, 1942, July 13, 1942]

FEDERAL LAND BANK
OF BERKELEY.

[SEAL] By CHARLES PARKER,
President.

[F. R. Doc. 42-7289; Filed, July 29, 1942;
9:36 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4145]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

AGRICULTURAL INSECTICIDE & FUNGICIDE ASSOCIATION, ET AL.

§ 3.24 (a) *Coercing and intimidating—Competitors—By threatening disciplinary action or otherwise:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices:* § 3.27 (f) *Combining or conspiring—To limit distribution to regular or established channels:* § 3.27 (h) *Combining or conspiring—To restrain and monopolize trade.* In connection with offer, etc., in commerce, of agricultural insecticides, fungicides, and related chemicals and items for similar uses, and on the part of respondent Association, its officers, etc., some 20 corporations and a partnership, members thereof, certain other corporations, non-members, which cooperated in acts and practices involved, and on the part of their officers, agents, etc., and on the part of various individuals, officers and directors of said Association, entering into, continuing, carrying out, directing, instigating, or cooperating in, any common course of action, mutual agreement, understanding, combination, or conspiracy between and among any two or more of said respondents, with or without the cooperation of others not parties hereto, for the purpose, or with the tendency or effect, of fixing the prices for, or of restricting, restraining, or eliminating competition in, the sale in said commerce of agricultural insecticides, fungicides, or related chemicals and items for similar uses, and pursuant thereto (1) fixing, establishing, or maintaining the prices, whether on a delivered basis or otherwise, or the charges at which the products of said respondents are to be sold or offered

for sale, or fixing, establishing, or maintaining any method of pricing which deprives buyers of opportunity to obtain more favorable terms from one respondent corporation than from another, or fixing, establishing, or maintaining any discounts, terms, or conditions of sale; (2) adhering to any price list compiled or distributed by or on behalf of any of the said respondents; (3) imposing, or attempting or threatening to impose, any penalty on, or coercing, or attempting to coerce by any means, any manufacturer who fails or refuses to adhere to or adopt charges, discounts, terms or conditions of sale, prices, or pricing methods fixed or established by said respondents; (4) exchanging, distributing, or relaying among respondent members or through respondent Association or any other medium or central agency, price lists or other information showing current or future prices or current or future terms or conditions of sale; (5) determining or attempting to determine by any means, either directly or indirectly, which purchasers shall be recognized as jobbers of, or as retail dealers in, and thus entitled to certain price differentials on, said products manufactured and sold or offered for sale by said respondents; (6) furnishing to the respondent Association, or to any other central medium or agency, any list or lists of jobbers or retail dealers or any classification of customers as jobbers or retail dealers and thus entitled to certain price differentials on products sold or offered for sale by any of the said respondents; (7) compiling or distributing in any manner, either directly or indirectly, between and among any of the respondents, lists of names or classifications of dealers or users who are to be sold by any of said respondents; (8) holding or participating in any meetings, discussions, or exchanges of information concerning proposed or future prices, terms or conditions of sale, or concerning any actual or proposed recognition or classification as jobber or retail dealer of any customer to whom the products of any of said respondents are sold or offered for sale; (9) taking any action for the purpose, or with the effect, of preventing or hindering any dealer or user or any class of dealers or users from obtaining the products manufactured by the respondents, or any of them, at such prices and terms as may be satisfactory between the individual buyer and seller; and (10) continuing or resuming by tacit and common consent among two or more respondents, any practice herein forbidden when such continuation or resumption results in purchasers being prevented from obtaining more favorable prices, terms, or conditions of sale from one of respondent corporations than from the others; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Agricultural Insecticide & Fungicide Association, et al., Docket 4145, July 24, 1942]

In the Matter of Agricultural Insecticide & Fungicide Association, Its Officers, Directors and Members, Allegheny Chemical Corporation, Ansbacher-Siegle Corporation, General Chemical Company, a Corporation, Phelps Dodge Refining Corporation, and Tennessee Corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of July, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of the respondents, and a stipulation as to the facts entered into between the respondents herein (except Antiseptic Products Company, Fred L. Lavanburg Company, Lucas Kil-Tone Company, Allegheny Chemical Corporation, and Pittsburgh Plate Glass Company) and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that the said Commission may proceed upon said statement of facts to make its report stating its findings as to the facts (including inferences which it may draw from the said stipulated facts) and its conclusion based thereon and enter its order disposing of the proceeding without the presentation of argument or the filing of briefs, and which waives the filing of a report upon the evidence by the trial examiner; and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That said respondent Agricultural Insecticide & Fungicide Association, its officers, agents, and employees; the following respondent corporations, The Acme White Lead and Color Works, The American Agricultural Chemical Company, The American Cyanamid and Chemical Corporation, The American Nicotine Company, Inc., The California Spray-Chemical Corporation, The Chipman Chemical Company, Inc., George W. Cole and Company, Inc., The Hercules Glue Company, Ltd. (a corporation trading under the name of Colloid Products Corporation), The Commercial Chemical Company, Derris, Inc., Dow Chemical Company, E. I. duPont de Nemours and Company, Inc., The Latimer-Goodwin Chemical Company, The Niagara Sprayer and Chemical Company, Inc., The Nicotine Production Corporation, John Powell & Company, Inc., The Sherwin-Williams Company, Inc., The Southern Acid & Sulphur Company, Inc., The Stauffer Chemical Company, Inc., The Tobacco By-Products and Chemical Corporation, The J. W. Woolfolk Company, Ansbacher-Siegle Corporation, General Chemical Company, Phelps Dodge Refining Corporation, and Tennessee Corporation, their officers, agents, and employees; and the following individual respondents, R. N. Chipman, L. S. Hitchner, June C. Heitzman, H. D. Whittlesey, H. P. Mansfield, J. B. Cary, J. H. Boyd, A. J. Flebut, R. E. Demmon, G. F. Leonard, G. E. Riches, and J. M. Taylor,

general partner, and E. P. Brown and E. W. Parker, special partners, trading as Taylor Chemical Works, Ltd., and their respective representatives, agents, and employees, in connection with the offering for sale or sale and distribution of agricultural insecticides, fungicides, and related chemicals and items for similar uses in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, continuing, carrying out, directing, instigating, or cooperating in, any common course of action, mutual agreement, understanding, combination, or conspiracy between and among any two or more of said respondents, with or without the cooperation of others not parties hereto, for the purpose, or with the tendency or effect, of fixing the prices for, or of restricting, restraining, or eliminating competition in, the sale in said commerce of agricultural insecticides, fungicides, or related chemicals and items for similar uses, and from doing any of the following acts and practices pursuant thereto:

(1) Fixing, establishing or maintaining the prices, whether on a delivered basis or otherwise, or the charges at which the products of said respondents are to be sold or offered for sale, or fixing, establishing, or maintaining any method of pricing which deprives buyers of opportunity to obtain more favorable terms from one respondent corporation than from another, or fixing, establishing, or maintaining any discounts, terms, or conditions of sale;

(2) Adhering to any price list compiled or distributed by or on behalf of any of the said respondents;

(3) Imposing, or attempting or threatening to impose, any penalty on, or coercing, or attempting to coerce by any means, any manufacturer who fails or refuses to adhere to or adopt charges, discounts, terms or conditions of sale, prices, or pricing methods fixed or established by said respondents;

(4) Exchanging, distributing, or relaying among respondent members or through respondent Association or any other medium or central agency, price lists or other information showing current or future prices or current or future terms or conditions of sale;

(5) Determining or attempting to determine by any means, either directly or indirectly, which purchasers shall be recognized as jobbers of, or as retail dealers in, and thus entitled to certain price differentials on, said products manufactured and sold or offered for sale by said respondents;

(6) Furnishing to the respondent Association, or to any other central medium or agency, any list or lists of jobbers or retail dealers or any classification of

customers as jobbers or retail dealers and thus entitled to certain price differentials on products sold or offered for sale by any of the said respondents;

(7) Compiling or distributing in any manner, either directly or indirectly, between and among any of the respondents, lists of names or classifications of dealers or users who are to be sold by any of said respondents;

(8) Holding or participating in any meetings, discussions, or exchanges of information concerning proposed or future prices, terms or conditions of sale, or concerning any actual or proposed recognition or classification as jobber or retail dealer of any customer to whom the products of any of said respondents are sold or offered for sale;

(9) Taking any action for the purpose, or with the effect, of preventing or hindering any dealer or user or any class of dealers or users from obtaining the products manufactured by the respondents, or any of them, at such prices and terms as may be satisfactory between the individual buyer and seller;

(10) Continuing or resuming by tacit and common consent among two or more respondents, any practice herein forbidden when such continuation or resumption results in purchasers being prevented from obtaining more favorable prices, terms, or conditions of sale from one of respondent corporations than from the others.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to the following named respondents: Antiseptic Products Company, Fred L. Lavanburg Company, Lucas Kil-Tone Company, Allegheny Chemical Corporation, and Pittsburgh Plate Glass Company.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-7317; Filed, July 29, 1942;
11:02 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1503]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT No. 1

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief

in the matter of the petition of District Board No. 1 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 1.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplements R-I and R-II, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

Commencing forthwith, the shipping points appearing in the aforesaid Supplement R for the coals of Mine Index Nos. 765, 951, 2562, and 3523 are effective in place of the shipping points heretofore assigned to these mines.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

No new shipping points are established for Mine Index Nos. 3242 and 3248 as requested in the original petition in this matter because subsequent to the filing of the said petition, the code member producer operating the aforesaid mines requested that the shipping points heretofore established for such mines be maintained.

Dated: July 11, 1942.

-[SEAL]

DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 Alphabetical list of code members—Supplement R-I

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

| Mine Index No. | Code member | Mine name | Sub-district No. | Scam | Shipping point | Railroad | Freight origin group No. | 1 | 2 | 3 | 4 | 5 |
|----------------|--|-----------------------|------------------|------|--------------------|----------|--------------------------|-----|-----|---|---|---|
| 3503 | Carrier & Son (W. W. Carrier) | Harlan No. 6 | 1 | B | Harlan, Pa. | DEF&O | 31 | (f) | (f) | F | F | F |
| 3504 | Carrier & Son (W. W. Carrier) | Harlan No. 7 | 1 | A | Harlan, Pa. | DEF&O | 31 | (f) | (f) | F | F | F |
| 3505 | Clark, H. C. | Clark No. 1 | 44 | B | Shaw, W. Va. | WNL | 68 | (f) | (f) | F | F | F |
| 3506 | Cleaveland Bituminous Coal Corporation | Creedia No. 2 | 12 | A | Arcadia, Pa. | NYC | 44 | (f) | (f) | F | F | F |
| 3507 | Cymbria Valley Coal Company | Cymbria No. 1 | 19 | E | Ward, Pa. | PRR | 50 | (f) | (f) | F | F | F |
| 3508 | Gunn, Harper J. (Peoples Coal Co.) | Peoples No. 2 | 32 | D | Ward, Pa. | PRR | 49 | (f) | (f) | F | F | F |
| 3509 | Humphrey, Lee B. (The Humphrey Brick & Tile Company) | Black Prince No. 2 | 5 | D | Fuller, Pa. | PRR | 122 | (f) | (f) | F | F | F |
| 3510 | Johnstown Coal & Coke Co. (Pa.) | Logan No. 4 | 34 | B | Lloydell, Pa. | PRR | 40 | (f) | (f) | F | F | F |
| 3511 | Norman Coal Company (Chas. Norman) | Rullo | 13 | A | Norman, Pa. | NYC | 44 | (f) | (f) | F | F | F |
| 3512 | Rullo, Andy (Owl Coal Co.) | Rullo | 32 | C | Holmes, Pa. | B&O | 100 | (f) | (f) | F | F | F |
| 3513 | Saxman Coal & Coke Company, The | Saxman "E" | 36 | E | Harlan, Pa. | B&O | 100 | (f) | (f) | F | F | F |
| 3514 | Shomo-Moshannon Coal Co. (Charles Colan) | Shomo-Moshannon No. 2 | 18 | E | Fallen Timber, Pa. | PRR | 52 | (f) | (f) | F | F | F |
| 3515 | Sickel, A. C. | Pleak | 37 | B | Stoyestown, Pa. | PRR | 100 | (f) | (f) | F | F | F |
| 3516 | Weese Coal Mines, Inc., J. C. | Mount Alto | 44 | Bak | Keweenaw, Pa. | B&O | 65 | (f) | (f) | F | F | F |
| 3517 | White, James A. (James A. White Coal Company) | White No. 7 | 6 | E | Hillman, Pa. | PRR | 50 | (f) | (f) | F | F | F |
| 3518 | White, James A. (James A. White Coal Company) | White No. 8 | 6 | E | Hillman, Pa. | PRR | 50 | (f) | (f) | F | F | F |

†Indicates no classification effective for these size groups.

*Indicates classifications and prices previously established for these size groups.

§ 321.7 Alphabetical list of code members—Supplement R-II

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

| Mine Index No. | Code member | Mine name | Sub-district | Scam | Shipping point | Railroad | Freight origin group No. | 1 | 2 | 3 | 4 | 5 |
|----------------|--|-------------------|--------------|------|--------------------|----------|--------------------------|-----|-----|---|---|---|
| 3523 | Bartholomew, Merle | Bartholomew No. 4 | 6 | E | Hillman, Pa. | PRR | 50 | (f) | (f) | F | F | F |
| 765 | Lester | Pile No. 2 | 37 | D | Friedens, Pa. | B&O | 100 | (f) | (f) | F | F | F |
| 851 | Pile, R. M. | Pile No. 2 | 37 | D | Friedens, Pa. | B&O | 100 | (f) | (f) | F | F | F |
| 2562 | Shomo-Moshannon Coal Co. (Charles Colan) | Shomo-Moshannon | 18 | E | Fallen Timber, Pa. | PRR | 52 | (f) | (f) | F | F | F |

NOTE: The above prices are applicable only via the respective Freight Origin Groups, Shipping Points, and railroads shown for the respective mines. Shipping Points previously assigned to these mines are hereby deleted.

FOR TRUCK SHIPMENTS

§ 321.24 General prices—Supplement T

[Prices in cents per net ton for shipment into all market areas]

| Code member index | Mine index No. | Mine | Subdistrict No. | County | Scam | 1 | 2 | 3 | 4 | 5 |
|--|----------------|-----------------------|-----------------|------------|------|-----|-----|-----|-----|-----|
| Carrier & Son (W. W. Carrier) | 3503 | Harlan No. 6 | 1 | Clarion | B | 245 | 220 | 220 | 210 | 200 |
| Carrier & Son (W. W. Carrier) | 3504 | Harlan No. 7 | 1 | Clarion | A | 235 | 210 | 210 | 200 | 190 |
| Cleaveland Bituminous Coal Corporation | 3505 | Arcadia No. 2 | 12 | Indiana | E | (f) | (f) | (f) | (f) | (f) |
| Cymbria Valley Coal Company | 3506 | Cymbria "E" | 16 | Cambria | E | 220 | 225 | 225 | 215 | 205 |
| Gunn, Harper J. (Peoples Coal Co.) | 3507 | Peoples No. 2 | 33 | Somerset | C | (f) | (f) | (f) | (f) | (f) |
| Humphrey, Lee B. (The Humphrey Brick & Tile Company) | 3508 | Black Prince No. 2 | 6 | Jefferson | D | (f) | (f) | (f) | (f) | (f) |
| Norman Coal Company (Chas. Norman) | 3509 | Wilkes | 13 | Clearfield | A | (f) | (f) | (f) | (f) | (f) |
| Risby & Shaffer Coal Company | 3510 | Risby & Shaffer No. 2 | 23 | Cambria | E | (f) | (f) | (f) | (f) | (f) |
| Saxman Coal & Coke Company, The | 3511 | Saxman "E" | 36 | Somerset | E | (f) | (f) | (f) | (f) | (f) |
| Sickel, A. C. | 3512 | Stoyestown | 37 | Somerset | E | (f) | (f) | (f) | (f) | (f) |
| White, James A. (James A. White Coal Company) | 3513 | White No. 7 | 6 | Indiana | E | (f) | (f) | (f) | (f) | (f) |
| White, James A. (James A. White Coal Company) | 3514 | White No. 8 | 6 | Indiana | E | (f) | (f) | (f) | (f) | (f) |
| Wolfe, R. D. | 3515 | Mountain | 12 | Indiana | B | (f) | (f) | (f) | (f) | (f) |
| Johnstown Coal & Coke Co. (Pa.) | 3516 | Logan No. 4 | 34 | Cambria | B | (f) | (f) | (f) | (f) | (f) |

†When shown under a Size Group Number, this symbol indicates no classification effective for this Size Group.

*When shown under a Size Group Number, this symbol indicates prices were previously established for this Size Group.

[F. R. Dec. 42-7250; Filed, July 23, 1942; 11:13 a. m.]

[Docket No. A-1504]
PART 324—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 4
ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 4 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 4; and requesting the establishment of an additional price instruction to be added to the schedule of effective minimum prices for District No. 4 for all shipments except truck to permit the establishment of price classifications and minimum prices for coals prepared at a preparation plant not a part of the mine at which said coals were produced.

An original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 4; and further requesting the establishment of an additional price instruction to be added to the Schedule of Effective Minimum Prices for District No. 4 for All Shipments Except Truck which would permit coals passing through a preparation plant not constituting a part of the

facilities of the mine at which said coals were produced to take the same prices for the various kinds and qualities and sizes of coal as if said preparation plant were located at the mine where said coal was actually produced; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth, and that the following action is necessary in order to effectuate the purposes of the Act.

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 324.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-1, § 324.8 (*Numerical list of mines*) is amended by adding thereto Supplement R-II, § 324.2 (*Seasonal discounts*) is amended by adding thereto Supplement R-III, § 324.9 (*Recapitulation of price classifications*) is amended by adding thereto Supplement R-IV, § 324.11 (*Special prices—(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*) is amended by adding thereto Supplement R-V, and § 324.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 324.7 Alphabetical list of code members—Supplement R-1

[Alphabetical list of code members having railway leading facilities, showing price classification by size group numbers]

| Mine index No. | Code member | Mine name | Sub-district No. | Secm | Type | Shipping points in Ohio | Railroad | Freight origin group Nos. | Price classifications by size group Nos. | | | | | | | | | | | |
|----------------|--|-----------------|------------------|---------|-------|-------------------------|----------|---------------------------|--|---|---|---|---|---|---|---|---|----|----|----|
| | | | | | | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 1023 | A & A Coal Company (A. E. Alameda) | A & A Coal Co. | 4 | 0 and 7 | Strip | Nesley | PL&W | 73 | Q | Q | Q | Q | Q | Q | Q | Q | Q | Q | Q | Q |
| 417 | Appalachian, G. K. (Keystone Coal Co.) | Keystone No. 3 | 0 | 0 | Deep | Crooksville | PRR | 31 | Q | Q | Q | Q | Q | Q | Q | Q | Q | Q | Q | Q |
| 411 | Appalachian, G. K. (Keystone Coal Co.) | Keystone No. 3 | 0 | 0 | Strip | Crooksville | PRR | 34 | Q | Q | Q | Q | Q | Q | Q | Q | Q | Q | Q | Q |
| 440 | Borzo Coal Co. (Emory Torrance) | Hilltop | 4 | 0 and 7 | Strip | Lishon | L&W | 73 | Q | Q | Q | Q | Q | Q | Q | Q | Q | Q | Q | Q |
| 441 | Borzo Coal Co. (Emory Torrance) | West Point | 4 | 0 | Strip | Lishon | L&W | 73 | Q | Q | Q | Q | Q | Q | Q | Q | Q | Q | Q | Q |
| 614 | Chubb, Lawrence (Chubb & Leavelle) | Threl | 1 | 8A | Deep | Lafferty | D&O | 12 | Q | Q | Q | Q | Q | Q | Q | Q | Q | Q | Q | Q |
| 2298 | Leavelle Coal Co. (Roy Leavelle) | Leavellyn | 5 | 0 | Deep | Hop | D&O | 41 | K | K | Q | Q | Q | Q | Q | Q | Q | Q | Q | Q |
| 421 | Matthews, Alfred | Alfred Matthews | 0 | 0 | Deep | Now Strassville | O&O | 23 | K | K | Q | Q | Q | Q | Q | Q | Q | Q | Q | Q |

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

No relief is granted herein as to the coals of C. C. Fay (Rail and Lake Coal Company), Brilliant No. 2 Mine, such coals having been heretofore classified and priced in Docket No. A-1105 for truck shipments and in Docket No. A-1105, Part II, for rail shipments. No relief is granted herein as to the coals of the B. & T. Coal Company, B. & T. Coal Company Mine, Mine Index No. 2325, for truck shipments, such coals having been heretofore classified and priced in Docket No. A-119. As to rail shipments therefrom, the petition alleges that Mine Index No. 2325 is located in Wills Township, whereas the records of the Division indicate this mine is located in Wheeling Township, and until this discrepancy is clarified, no relief is granted herein for rail shipment.

[SEAL] DAN H. WHEELER,
 Acting Director.

Dated: July 11, 1942.

No relief is granted herein as the coals of Weed Mine, Mine Index No. 2725, of Plymouth Cooperative Mining Company (Wallace Pickcock), nor the Schumacher Mine, Mine Index No. 1007, of the Schumacher Coal Company (Stanley Schumacher), inasmuch as coals from Mine Index No. 2725 were classified and priced in Docket No. A-1373 under the name of John Glass, and coals from Mine Index No. 1007 were classified and priced in Docket No. A-260 under the name of Schumacher Coal Company (Wade Hampton).

No relief is granted herein as to that part of the petition requesting the establishment of an additional price instruction to be added to the Schedule of Effective Minimum Prices for District No. 4 for All Shipments Except Truck, which would permit coals passing through a preparation plant not constituting a part of the facilities of the mine at which said coals were produced to take the same prices for the various kinds, sizes, and qualities of coal as if said preparation plant were located at the mine where said coal was actually produced, for the reasons set forth in the Order designating the portion of Docket No. A-1504 relating to such relief as Docket No. A-1504, Part II.

§ 324.7 Alphabetical list of code members—Supplement R-I—Continued

| Mine index No. | Code member | Mine name | Sub-dist. No. | Scam | Type | Shipping points in Ohio | Railroad | Freight origin group Nos. | Price classifications by size group Nos. | | | | | | | | | | | |
|----------------|---|--------------------|---------------|------|-------|-------------------------|----------|---------------------------|--|---|---|---|---|---|---|---|---|----|----|----|
| | | | | | | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 445 | McVey-Resser Coal Company (F. M. Resser), Little Patty (Coal Co.), Cambridge Coal Co. | No. 4. | 5 | 6. | Deep | Floodwood | O&O | 22 | K | K | O | O | O | O | O | Q | Q | Q | Q | Q |
| 1303 | Parker, Bertha (Willow Creek Coal Co.), Cambridge Coal Co. | Little Patty | 8 | 8A. | Deep | Pomeroy | C&O | 23 | K | K | O | O | O | O | O | Q | Q | Q | Q | Q |
| 1428 | Simpson, Dave (Cambridge Coal Co.) | Cambridge Coal Co. | 2 | 7. | Strip | Cambridge | PRR | 16 | R | R | R | Q | O | O | Q | Q | Q | Q | Q | Q |

1 Subject to Exception No. 4, § 324.1 (b) in the Schedule of Effective Minimum Prices for District No. 4.

§ 324.8 Numerical list of mines—Supplement R-II

| Mine index No. | Mine name | Code member | Freight origin districts | Freight origin group Nos. | Railroad | Subdistrict No. |
|----------------|------------------------|--|--------------------------|---------------------------|----------|-----------------|
| 411 | Keystone No. 3 (Strip) | Appelman, G. K. (Keystone Coal Co.) | Crooksville | 34 | PRR | 6 |
| 421 | Alfred Matthews | Matthews, Alfred | Hocking | 22 | O&O | 5 |
| 423 | Cambridge Coal Co. | Simpson, Dave (Cambridge Coal Co.) | Cambridge | 16 | PRR | 2 |
| 440 | Hilltop | Bozzo Coal Co. (Emery Torrence) | Leetonia | 73 | PL&W | 4 |
| 441 | West Point | Bozzo Coal Co. (Emery Torrence) | Leetonia | 73 | PL&W | 4 |
| 445 | No. 4 | McVey-Resser Coal Company (F. M. Resser) | Hocking | 22 | O&O | 5 |
| 447 | Keystone No. 3 (Deep) | Appelman, G. K. (Keystone Coal Co.) | Crooksville | 34 | PRR | 6 |
| 514 | Threl | Chin, Lawrence (Chin & Leone Co.) | Ohio No. 8 | 12 | B&O | 1 |
| 1303 | Little Patty | Parker, Bertha (Willow Creek Coal Co.) | Pomeroy | 23 | O&O | 8 |
| 1952 | A & A Coal Co. | A & A Coal Company (A. E. Akenhead) | Leetonia | 73 | PL&W | 4 |
| 2398 | Llewellyn | Llewellyn Coal Co. (Roy Llewellyn) | Jackson | 41 | B&O | 5 |

§ 324.2 Seasonal discounts¹—Supplement R-III

[On all shipments of coal in size groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These seasonal discounts apply for shipments to all market areas except market areas 1 to 13, inclusive, 98 and 99 (Great Lakes), river shipments, vessel fuel and railroad fuel]

| Freight origin districts | Freight origin group Nos. | Additional freight origin group Nos. | Mine index Nos. | Additional mine index Nos. | Amount of discount for shipments during the month of— | | | | |
|--------------------------|------------------------------------|--------------------------------------|--|-------------------------------------|---|-----|------|------|--------|
| | | | | | April | May | June | July | August |
| Ohio No. 8 | 9, 10, 11, 12, 14, 15, 17, 18, 19. | — | 10, 21, 20, 30, 31, 34, 35, 42, 43, 64, 65, 66, 67, 68, 78, 81, 90, 102, 103, 107, 111, 114, 116, 116, 122, 123, 124, 127, 128, 144, 145, 147, 162, 157, 164, 167. | Add Mine Index No. 514. | 30 | 20 | 10 | — | — |
| Cambridge | — | Add 16. | — | Add Mine Index No. 428. | 30 | 20 | 10 | — | — |
| Hocking | 21, 22, 20, 27, 28. | — | 1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 76, 76, 80, 90, 109, 120, 130, 163, 170, 171. | Add Mine Index Nos. 421, 446. | 50 | 40 | 30 | 20 | 10 |
| Pomeroy | 23, 25. | — | 14, 22, 33, 70, 82, 100, 101, 105, 112, 113. | Add Mine Index No. 1303. | 50 | 40 | 30 | 20 | 10 |
| Crooksville | 31, 32. | Add 34. | 8, 97. | Add Mine Index No. 411. | 30 | 20 | 10 | — | — |
| — | 31, 32, 33, 34, 36. | — | 4, 28, 60, 85, 91, 104, 108, 125, 138, 143, 146, 165, 166, 169, 169, 169. | Add Mine Index No. 447. | 30 | 20 | 10 | — | — |
| Jackson | 41. | — | 39, 136. | Add Mine Index No. 2398. | 50 | 40 | 30 | 20 | 10 |
| Leetonia | 72, 74. | Add 73. | 3, 77, 153, 163. | Add Mine Index Nos. 440, 441, 1952. | 30 | 20 | 10 | — | — |

¹ Seasonal discounts as shown in 324.2 in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove listed.

§ 324.9 Recapitulation of price classifications—Supplement R-IV

[Prices for all rail shipment from mines indexed below into market areas as shown. For shipment into all market areas—See Schedule of Effective Minimum Prices, § 324.9 and 324.10. Also applies to Market Areas 93 and 99 (Great Lakes), § 324.11 (b), and Vessel Fuel, § 324.11 (c).]

| Freight origin districts | Freight origin group Nos. | Additional freight origin group Nos. | Mine Index Nos. | Additional mine Index Nos. |
|--------------------------|------------------------------------|--------------------------------------|--|-------------------------------------|
| Ohio No. 8..... | 9, 10, 11, 12, 14, 16, 17, 18, 19. | | 10, 21, 23, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 58, 78, 81, 82, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 162, 167, 168, 169. | Add Mine Index No. 514. |
| Cambridge..... | | Add 16. | (Except No. 4, page 3). | Add Mine Index No. 428.1 |
| Hocking..... | 21, 22, 26, 27, 28. | Add 16. | 1, 2, 3, 33, 41, 46, 51, 54, 74, 76, 77, 80, 80, 100, 120, 130, 135, 170, 171. | Add Mine Index Nos. 421-446. |
| Pomeroy..... | 23, 25. | | 14, 22, 38, 70, 82, 100, 101, 103, 112, 113. | Add Mine Index No. 1303. |
| Crooksville..... | 31, 32. | Add 34. | 8, 97, 98, 85, 91, 104, 105, 125, 133. | Add Mine Index No. 441. |
| Jackson..... | 31, 32, 33, 34, 35. | | 4, 133, 146, 155, 156, 160, 162, 163. | Add Mine Index No. 447. |
| Lectonia..... | 41. | Add 73. | 39, 139. | Add Mine Index No. 2398. |
| | 72, 74. | Add 73. | 3, 77, 152, 166. | Add Mine Index Nos. 440, 441, 1052. |

¹ Prices as shown for Mine Index Nos. 87 and 121, appearing in the Schedule of Effective Minimum Prices for District No. 4, less 10 cents in Size Groups 7, 8, 9, and 12, will apply to additional Mine Index No. 428 hereinafter noted for all Market Areas except Market Area 14. In addition, Mine Index No. 428 will have a price in Size Group 10 equal to the applicable minimum price for its Size Group 8 less 5 cents for all Market Areas except Market Area 14. Prices for Market Area 14 shall be 4 cents per ton less in Size Groups 7, 8, 9, and 12 than Mine Index Nos. 87 and 121, and the prices in Size Group 10 shall be the same as its Size Group No. 8.

Prices as shown in § 324.9, § 324.10, § 324.11 (a), and § 324.11 (b) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinafter noted.

§ 324.11 Special prices—(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel—Supplement R-V

[Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below. For shipment to railroads as shown—See Schedule of Effective Minimum Prices, § 324.11 (c).]

| Name of railroad | Mine Index Nos. | Additional mine Index Nos. |
|--|--|-------------------------------------|
| Baltimore & Ohio Railroad Co..... | 10, 21, 23, 33, 34, 43, 53, 71, 72, 73, 81, 82, 87, 95, 96, 103, 104, 105, 116, 121, 124, 125, 134, 135, 141, 145, 147, 151, 152, 157, 159, 163. | Add Mine Index Nos. 514, 2393. |
| Chicopee & Ohio Railway Co..... | 14, 53, 41, 47, 51, 53, 73, 75, 76, 82, 83, 101, 105, 112, 113, 130, 131, 154, 156, 171. | Add Mine Index Nos. 421, 445, 1053. |
| Pennsylvania Railroad Co..... | 11, 23, 31, 42, 43, 49, 50, 55, 56, 57, 62, 65, 67, 69, 81, 94, 111, 114, 116, 132, 152, 159, 165, 169. | Add Mine Index No. 447. |
| Pittsburgh, Lisbon & Western Railroad. | 3, 77. | Add Mine Index Nos. 441, 453, 1052. |

Note.—Prices as shown in § 324.11 (c) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinafter noted.

No. 143

§ 324.11 Special prices—(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel—Supplement R-V—Continued

| Name of railroad | Mine Index Nos. | Additional mine Index Nos. |
|--|-----------------|----------------------------|
| Akron, Canton & Youngstown Railway Co. | | |
| Ann Arbor Railroad Co..... | | |
| Canadian National Railways and Grand Trunk Railway System. | | |
| Canadian Pacific Railway Co..... | | |
| Detroit and Mackinac Railway Company. | | |
| Detroit & Toledo Shore Line Railroad Co. | | |
| Erie Railroad. | | |
| Niles, Yates Road (New York, Chicago & St. Louis Railroad Co.) | | |
| Pere Marquette Railway Co..... | | |
| For all Railroads not shown above..... | | |

FOR TRUCK SHIPMENTS

§ 324.24 General prices in cents per net ton for shipment into all market areas—Supplement T

| Code member index | Mine | Scam | Base class |
|---|-------|-------|------------|
| Sup-District No. 2—CAMMIDGE QUINCY COUNTY | | | |
| Simpsco, Dave (Cambridge Coal Co.) | | | |
| Sup-District No. 4—MIDDLE CARROLL COUNTY | | | |
| Davis, A. R..... | | | |
| COLUMBIANA COUNTY | | | |
| Horzo Coal Co. (Timery Terrace)..... | | | |
| Horzo Coal Co. (Timery Terrace)..... | | | |
| Smith & Barnes (L. L. Smith)..... | | | |
| COSHOCTON COUNTY | | | |
| Hardisty & Jenkins (Paul Jenkins)..... | | | |
| MAHONING COUNTY | | | |
| Ginger Hill Coal Co. (Wm. H. Myers)..... | | | |
| STARK COUNTY | | | |
| Bentley & Vermillion Coal Co..... | | | |

No. 143

**§ 324.24 General prices in cents per net ton for shipment into all market areas—
Supplement T—Continued**

[Docket No. A-1524]

**PART 328—MINIMUM PRICE SCHEDULE,
DISTRICT No. 8**

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 8; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act:

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.
Dated: July 16, 1942.

DAN H. WHEELER,
Acting Director.

(D) Indicates deep mine. (S) Indicates strip mine.

U.F. B. Doc. 42-7249: Filed, July 28, 1942; 11:14 a. m.]

FOR ALL SHIPMENTS EXCEPT TRUCK

NOTE: The material contained in this "Supplement E" is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

§ 328.11 *Alphabetical list of code members—Supplement R*

(A) Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

| Mine index No. | Code member | Mine name | High volatile seam | Subsidiary No. | Shipping point | Railroad | Freight origin group | Price classifications by size group Nos. | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|----------------|---------------------------|----------------|--------------------|----------------|-----------------|----------|----------------------|--|---|---|---|---|---|---|---|---|----|----|----|----|----|----------------------------|----|----|----|----|----|----|----|----|----|----|----|----|--|
| | | | | | | | | For destinations other than Great Lakes | | | | | | | | | | | | | | For Great Lakes cargo only | | | | | | | | | | | | | |
| | | | | | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | |
| 247 | Alcona Block Coal Company | Alcona | Hazard No. 4. | 3 | Lothair, Ky. | L&N | 100 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | |
| 257 | Premium Coals, Inc. | Premium | Hazard No. 4. | 3 | Premium, Ky. | L&N | 100 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | |
| 330 | Puritan Coal Corporation | Puritan No. 1. | Thacker | 8 | Puritan, W. Va. | N&W | 130 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | |

*Indicates previously classified these size groups †Indicates no classification effective for these size groups.

U.F. B. Doc. 42-7251; Filed, July 28, 1942: 11:13 a. m.]

[Docket No. A-1397]

PART 343—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 23

ORDER GRANTING RELIEF, ETC.

Memorandum opinion and order terminating hearing, revising temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 23 for the establishment of price classifications and minimum prices for the coals of the Costello Creek No. 2 Mine (Mine Index No. 163) in Subdistrict I in District No. 23.

A petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 was duly filed with this Division by the above-named party requesting the establishment of certain price classifications and minimum prices, both temporary and permanent, for the coals produced from the Costello Creek No. 2 Mine, Mine Index No. 163, in Subdistrict I of District No. 23.

On May 2, 1942 (7 F.R. 3413), a Memorandum Opinion and Order was issued in this matter temporarily establishing for the coals of the Costello Creek No. 2 Mine, the same price classifications and minimum prices as those in effect for the coals produced from other mines located in Subdistrict I. The price classifications and minimum prices proposed by petitioner for the coals of the Costello Creek No. 2 Mine were, however, lower than the minimum prices heretofore established and currently in effect for coals, in the same size groups, produced from the mines of other code members in Subdistrict I in amounts ranging from 25 cents per ton to \$1.50 per ton, and since the petition did not contain facts sufficient to warrant the permanent establishment of the proposed price classifications and minimum prices without a hearing, a hearing in this matter was scheduled to be held at Washington, D. C. on June 2, 1942.

The hearing was opened, as scheduled, on that day but petitioner was not represented. The hearing was thereupon continued pending further order of the Acting Director.

Subsequent to the date of hearing, petitioner submitted to the Division additional data in support of the price classifications and minimum prices proposed by it for the Costello Creek No. 2 Mine coals. In the light of the additional data submitted, it appears that a reasonable showing of necessity has been made for the granting of relief as requested in the original petition, and pending final disposition of the above-entitled matter, it is now proper that the price classifications and minimum prices proposed by the petitioner for the coals of the Costello Creek No. 2 Mine should be temporarily established in lieu of the price classifications and minimum prices temporarily in effect for that mine.

It further appears that a hearing is no longer necessary and accordingly, the hearing scheduled and pending in this matter should be terminated.

Now, therefore, it is ordered, That pending final disposition of the original petition in this matter, the temporary relief granted by the Memorandum Opin-

ion and Order of May 2, 1942, for the coals of the Costello Creek No. 2 Mine, Mine Index No. 163, of code member W. E. Dunkle, in Subdistrict I in District No. 23, is revised as follows: Commencing forthwith § 343.4 (Code member price index), § 343.5 (General prices; minimum prices for shipment via rail transportation), and § 343.21 (General prices) are

supplemented to include, for the coals of the Costello Creek No. 2 Mine, Mine Index No. 163, in Subdistrict I in District No. 23, the price classifications and minimum prices set forth below in lieu of those price classifications and minimum prices heretofore temporarily established and currently in effect for the coals of that mine.

| Producer | Mine | Mine Index No. | Area | Shipping point | Subdistrict price group | Railroad | Freight classification No. | Prices per ton | |
|---------------|----------------------|----------------|---------------------|------------------|-------------------------|----------|----------------------------|----------------|-------|
| | | | | | | | | Rail | Truck |
| Dunkle, W. E. | Costello Creek No. 2 | 163 | Territory of Alaska | Colville Station | I | Alaska | 110 | 7 | 13 |

MINIMUM F. O. B. MINE PRICES IN CENTS PER NET TON FOR SHIPMENT VIA RAIL
TRANSPORTATION INTO MARKET AREAS SHOWN

[Subdistrict I: W. E. Dunkle—Costello Creek No. 2 Mine—Territory of Alaska]

| Market area | Price classifications and size group Nos. | | | | |
|------------------|---|-----|-----|-----|-----|
| | 2 | 4 | 10 | 15 | 19 |
| All market areas | 450 | 375 | 425 | 500 | 325 |

Insert the following code member name, mine name and county under Subdistrict I, and the following prices:

TRUCK SHIPMENTS

| Code member mine name | Area | Size groups | | | | |
|--|---------------------|-------------|-----|-----|-----|-----|
| | | 2 | 4 | 10 | 15 | 19 |
| SUBDISTRICT I Dunkle, W. E., Costello Creek No. 2 | Territory of Alaska | 450 | 375 | 425 | 500 | 325 |

It is further ordered, That the hearing in this matter be and it hereby is terminated.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and application to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order unless it shall otherwise be ordered.

Dated: July 27, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-7252; Filed, July 23, 1942;
11:12 a. m.]

PART 324—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 4

[Docket No. A-937]

AMENDMENT OF RELIEF ORDER

Order amending order granting temporary relief and conditionally providing

for final relief in the matter of the petition of District Board No. 4 for the establishment of price classifications and minimum prices for the coals or certain mines in District No. 4.

On July 21, 1941, an Order Granting Temporary Relief and Conditionally Providing for Final Relief was issued in the above-entitled matter (6 F.R. 3913). Price classifications and minimum prices were established, among other things, for the coals of the Pine Hollow Mine (Mine Index No. 212) of W. J. Eaton (Pine Hollow Coal Company) for all shipments except truck from Lisbon, Ohio, on the Pittsburgh, Lisbon & Western Railroad, but not on the Erie Railroad as was also requested.

It appears that the price classifications and minimum prices in the said Order of the Pine Hollow Mine (Mine Index No. 212) for all shipments except truck should be applicable for shipment from Lisbon, Ohio, on both the Pittsburgh, Lisbon & Western Railroad and the Erie Railroad.

Now, therefore, it is ordered, That the said Order of July 21, 1941 (6 F.R. 3913), and § 324.7 (Alphabetical list of code members), § 324.8 (Numerical list of mines), § 324.2 (Seasonal discounts), § 324.10 General prices, and § 324.11 (Special prices—(a) Railroad fuel prices for all movements exclusive of take cargo railroad fuel) be amended to establish

the price classifications and minimum prices therein of the Pine Hollow Mine (Mine Index No. 212) for all shipments except truck for shipment from Lisbon, Ohio, on the Erie Railroad in addition to the Pittsburgh, Lisbon & Western Railroad; and to assign this mine to Freight Origin Group No. 75 instead of 73.

It is further ordered, That in all other respects said Order of July 21, 1941, be, and it hereby is, continued in full force and effect.

Dated: July 28, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-7316; Filed, July 29, 1942;
11:00 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service

[1942, Dept. Circ. 570, 2d Sup.]

Subchapter A—Bureau of Accounts

PART 226—SURETY COMPANIES

INLAND BONDING COMPANY

JULY 27, 1942.

This Supplement is issued to delete from the list of companies holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds the name of the Inland Bonding Company. That Company has requested permission from the Treasury to retire from the writing of bonds in favor of the United States, and pursuant to that request the Secretary of the Treasury has, of even date with this Supplement, revoked, the certificate of authority issued on May 1, 1942 pursuant to the Act of Congress approved August 13, 1894, as amended, which certificate authorized the Inland Bonding Company to qualify as sole surety on Federal bonds.

Section 226.1, Part 226, Chapter II, title 31 of the Code of Federal Regulations of the United States of America (Treasury Department Circular No. 570, revised¹) is hereby amended by deleting therefrom the name "Inland Bonding Company, South Bend" which appears in said Part 226 under the subtitle "Indiana", in the list of surety companies acceptable on Federal bonds.

[SEAL]

D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 42-7310; Filed, July 29, 1942;
9:44 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1021—FURNACES

[Interpretation 1 of Limitation Order L-22²]

The following official interpretation is hereby issued with respect to § 1021.1 General Limitation Order L-22:

Paragraph (b) of General Limitation Order No. L-22 provides that during the

calendar year 1942 no Class A Manufacturer or Class B Manufacturer may incorporate into furnaces iron and/or steel in excess of certain specified quotas. However, nothing in General Limitation Order No. L-22 restricts the manufacture of replacement parts for furnaces. Consequently such replacement parts may be manufactured over and above the established quotas. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 29th day of July 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-7318; Filed, July 29, 1942;
11:34 a. m.]

PART 1085—MAINTENANCE AND EXPANSION OF PLANTS CANNING FRUITS AND VEGETABLES

[Preference Rating Order P-115, as amended
July 29, 1942¹]

Preference Rating Order P-115 (§ 1085.1) is hereby amended to read as follows:

§ 1085.1 *Preference Rating Order P-115—(a) Definitions.* For the purposes of this order:

(1) "Producer" means any person located in the United States, its territories and possessions, engaged in the business of canning or otherwise processing fruits and vegetables, or any person, located in the Dominion of Canada, to whom and in whose name a copy of this order is specifically issued.

(2) "Canning" means the preparation of fruits and vegetables for market by packing such fruits and vegetables (either alone or in combination with other commodities) in hermetically sealed containers and sterilizing by the use of heat and includes all operations required for or usually incidental to such preparation.

(3) "Processing" means the preparation of fruits or vegetables for market otherwise than by canning, including freezing, dehydration, and fresh packing.

(4) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind, used in the canning or processing of fruits and vegetables, but does not include any planting or harvesting equipment or equipment used in the transportation of food products.

(5) "Maintenance" means minimum upkeep necessary to enable the producer's existing plant and equipment to be used at its maximum rate of operation permissible under Conservation Order M-81 (To Conserve the Supply and Direct the Distribution of Tin Plate and Terne Plate) and other like orders.

(6) "Repair" means restoration of a producer's machinery, plant or equipment to sound working condition after physical depreciation, wear and tear, damage, destruction of parts or the like

have impaired its fitness for service but not to an extent involving major reconstruction.

(7) "Material required for operation" means operating supplies not to be physically incorporated in the finished product, nor used as packaging or fuel.

(8) "Replacement" means substitution of new machinery, plant or equipment for existing machinery, plant or equipment, when not constituting repair.

(9) "Addition and expansion" means introduction of additional plant or equipment, other than replacements, to increase the productive capacity of a producer's existing plant or equipment, without enlarging existing building space.

(10) "Supplier" means any person with whom a contract or purchase order has been placed for delivery of material to a producer or to another supplier.

(b) *Assignment of preference ratings.* Preference ratings are hereby assigned, subject to the restrictions and conditions of paragraphs (c) and (d) hereof:

(1) A-1-a to deliveries, to a producer, of material directly required for emergency maintenance or repair, to avert spoilage of fruit or vegetables because of an actual breakdown or suspension of a producer's operations.

(2) A-1-j to deliveries, to a producer, of material required for repair, maintenance, or operation, or which will be physically incorporated into material which will be delivered for such use.

(3) A-1-c to deliveries to a producer of material required for replacement, addition or expansion, or which will be physically incorporated into material which will be delivered for such use, excluding, however, any deliveries:

(i) For the construction of new buildings, or the establishment of new plants,

(ii) For the establishment of new production lines, except for the canning of peas and tomatoes, or

(iii) For any other purpose that, in the opinion of the Director General for Operations at the time application is made, as provided in paragraph (d) (3) below, is not in the public interest, does not promote the national defense, or is in conflict with the policy of Conservation Order M-81² (To Conserve the Supply and Direct the Distribution of Tin Plate and Terne Plate) or other like orders.

(c) *Restrictions on application of ratings by producer.* (1) Every contract and purchase order for material, to which a preference rating is to be applied hereunder, must specify the date or dates by which delivery is required, and except as hereinafter noted the preference rating may be applied only to such material, or portion thereof, which under the contract or purchase order, is to be delivered to the producer for his operations during the calendar year 1942. The producer may apply the ratings only to those quantities and kinds of materials essential to enable him to maintain his canning or processing schedules for the calendar year 1942, except as hereinafter noted in this section. Any producer may apply a rating hereunder to obtain material necessary to

¹ 5 F.R. 3657.

² 7 F.R. 2785.

¹ 7 F.R. 952, 2389, 4650.

² 7 F.R. 4836, 5272.

maintain canning schedules during the calendar year 1943 in plants located in the Hawaiian Islands.

(2) The producer shall not apply any preference rating assigned by (b) (1) above to deliveries of material to replace other material withdrawn from his inventory or stores for maintenance, repair or operation.

(3) The producer shall not apply any preference rating assigned by (b) (2) above if, in view of the current rate of consumption of his inventory or stores for repair and maintenance or operation, the delivery of the material to be rated would increase such inventory or stores above the minimum permitted or provided in paragraph (c) below.

(4) The producer shall not apply any preference rating hereunder unless the material to be delivered cannot be secured when required without such rating.

(d) *Application of preference rating.* (1) A producer or any supplier, in order to apply or extend the preference ratings assigned hereunder shall comply with Priorities Regulation No. 3,³ as it may be amended from time to time.

(2) If preference rating A-1-a is applied, the producer must, immediately upon placing his order for such material, telegraph to the War Production Board the following with respect to such order:

(i) The name and address of the supplier;

(ii) The reasons why such order required assignment of preference rating as emergency maintenance or repair;

(iii) A specific description of the material included in the order, and

(iv) The invoice cost of each item of such material.

(3) If the material is required for replacement, expansion or addition, the producer shall not apply preference rating A-1-c, unless he shall have communicated with the War Production Board, describing the material needed and the nature of the proposed replacement, expansion or addition, and shall have received from the Director General for Operations a specific authorization to apply such rating, notwithstanding the fact that he may have previously been authorized to apply a rating of A-3. Such application for authorization may be made by a written statement on Form PD-285 or, in any emergency, by telegram giving substantially the information called for by said Form PD-285.

(e) *Inventory provisions.* A producer shall not accept deliveries (whether rated hereunder or not) of material for repair and maintenance or operation which will increase the inventory or stores available to the producer for such purposes to an amount greater than the minimum necessary for repair and maintenance and to sustain the current level of operations of the producer, and the ratio of such inventory and stores to current operations shall in no event exceed the ratio of average inventory to average operation for the years 1938, 1939, and 1940.

³ 7 F.R. 4422, 4833, 5404.

(f) *Records.* In addition to the records required to be kept under Priorities Regulation No. 1, a producer, and each supplier placing or receiving any purchase order or contract rated hereunder, shall each retain, for a period of two years, for inspection by representatives of the War Production Board, endorsed copies of all such purchase orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts or filed in such manner that they can be readily segregated for such inspection.

(g) *Reports.* Each producer and each supplier who applies a preference rating hereunder shall file such reports as may be required from time to time by the War Production Board; and until further notice any producer or supplier who applies a preference rating hereunder for emergency maintenance or repair, or for repair, maintenance, or operation, shall file Form PD-81A on or before the 10th day of each month.

(h) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: P-115.

(i) *Violations.* Any person who willfully violates any provision of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (a) of the Criminal Code (18 U.S.C. 80).

(j) *Revocation or amendment.* This order may be revoked or amended at any time as to any producer or any supplier. In the event of revocation, deliveries already rated pursuant to this order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by the producer or supplier affected by such revocation.

(k) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to the provisions of all priorities regulations as issued or amended from time to time, except to the extent that any provision of this order may be inconsistent therewith, in which case such provision shall govern. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 29th day of July 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-7323; Filed, July 23, 1942;
11:35 a. m.]

PART 1105—SUGAR

[Supplementary Order M-98-a,¹ as Amended
July 23, 1942]

Section 1105.2 *Supplementary Order M-98-a* is hereby amended to read as follows:

§ 1105.2 *Supplementary Order M-98-a.* (a) Pursuant to paragraph (c) of General Preference Order No. M-98² no refiner shall purchase, import or accept delivery of raw sugar in excess of the allotment hereby established for the period from January 1, 1942, to December 31, 1942, for him in the amount set forth below opposite his name. Such allotment may be changed or modified from time to time by the Director General for Operations. All such raw sugar purchased, imported, or received by him between January 1, 1942, and the date of this order shall be charged against such allotment.

Short tons,
raw value

| | |
|--|---------|
| American Sugar Refining Company | 923,593 |
| J. Aron and Company, Inc. | 33,729 |
| C & H Sugar Refining Corporation: | |
| West Coast | 330,376 |
| East Coast | 130,944 |
| Colonial Sugars, Inc. | 123,883 |
| Gedchaux Sugars, Inc. | 155,855 |
| Henderson Sugar Refinery, Inc. | 70,311 |
| Imperial Sugar Company | 116,308 |
| Inland Sugar Company | 0 |
| Liquid Sugars, Inc. | 9,715 |
| W. J. McCahan Sugar Refining and Molasses Company | 163,406 |
| National Sugar Refining Company | 731,218 |
| Pepsi-Cola Company | 0 |
| Realty Operators, Inc. | 0 |
| Refined Syrups & Sugars, Inc. | 103,715 |
| Revere Sugar Refinery | 157,790 |
| Savannah Sugar Refining Corpora- tion | 166,171 |
| South Coast Sugar Corporation | 21,318 |
| Sterling Sugars, Inc. | 17,599 |
| Sucrest Corporation & Affiliates | 93,353 |
| Tea Garden Products Company | 652 |
| Western Sugar Refinery: | |
| West Coast | 25,243 |
| East Coast | 61,237 |

(b) Purchases, importations, or acceptances of delivery, within the allotment established in paragraph (a) hereof, of raw sugar shall be made only upon the specific authorization of the Director General for Operations, except that purchases, importations, or acceptances of delivery of raw sugar produced in the Territory of Hawaii, for refining in states bordering on the Pacific, may be made without authorization other than this order. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 29th day of July 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-7319; Filed, July 23, 1942;
11:34 a. m.]

¹ 7 F.R. 1026, 2389.

² 7 F.R. 1025.

PART 1222—EXPORTS OF CRITICAL MATERIAL
[Amendment 2 to General Exports Order M-148]

Section 1222.1 General Exports Order M-148 is hereby amended by striking all of Exhibit A and substituting Exhibit A attached hereto.

17 F.R. 3518, 3563.

EXHIBIT "A"

List of Critical Materials Subject to General Exports Order M-148

(The following commodities are under allocation to the American Republics for the third quarter of 1942. The numbers following each item refer to the U. S. Export Classification Code (Schedule B), and may be used for more accurate identification and definition of items.)

| Commodity | Schedule B No. |
|---|---|
| Iron and Steel (excluding ferro-alloys and tin plate, q. v.): | |
| Fig iron | 6007. |
| Ingots, blooms, billets, etc. | 6016.01 thru 6016.09, 6017.01 thru 6017.09. |
| Bars and rods: | |
| Concrete reinforcement | 6022. |
| Other | 6020, 6021, 6023, 6025, 6026, 6029. |
| Plates | 6030.15, 6030.98, 6031.15, 6031.19, 6031.5, 6031.95, 6031.98. |
| Sheets and strip: | |
| Black | 6032.05, 6032.98, 6035.1, 6035.5, 6035.9, 6036, 6037.11 thru 6037.19, 6037.51 thru 6037.59, 6037.91 thru 6037.98, 6038.11 thru 6038.19, 6038.51 thru 6038.59, 6038.91 thru 6038.98. |
| Galvanized | 6033, 6034. |
| Structural shapes | 6043, 6045, 6046, 6047, 6048, 6049, and 6050. |
| Railway track material: | |
| Rails | 6051, 6053, 6052. |
| Other | 6054, 6055, 6058, and 6059. |
| Tubular products: | |
| Cast iron pipe and fittings | 6066, 6067.05, 6067.98, 6068.05, 6068.98. |
| Welded (Steel) pipe | 6061, 6063, 6070, 6071, 6072, and 6073. |
| Seamless (Steel) pipe | 6060, 6062, 6064. |
| Pipe fittings | 6065, 6077.05, 6077.98. |
| Wire: | |
| Plain | 6081 and 6082. |
| Barbed | 6083. |
| Other wire and manufactures | 6085, 6086.1, 6086.9, 6087.1, 6087.5, 6088, 6091.01 thru 6091.98, 6092, 6093, 6094, 6095, and 6099. |
| Castings | 6101, 6102, 6104.1, and 6104.9. |
| Car wheels, tires and axles | 6105.15 thru 6105.18, 6105.25, 6105.35. |
| Forgings | 6106, 6107.01, 6107.05, 6108.01, 6108.05, 6041. |
| Tin Plate | 6290 and 6296. |
| Bauxite | 6649.05. |
| Beryllium | 6645.15 and 6649.15. |
| Cadmium (metallic) | 6649.25. |
| Cobalt (metal) | |
| Copper: | |
| Copper Metal | 6401, 6412, 6413, 6423, 6424, 6425, 6430, 6431, and 6435. |
| Brass and Bronze | 6440, 6441, 6448.01, 6448.05, 6450, 6453, 6454.3, 6454.57, 6456, and 6457, and 6454.58. |
| Lead (Including Babbitt and Solder) | 6507, 6508, 6512, 6515.05, 6515.20, 6515.21, 6515.30, 6515.37, 6515.50, 6515.53, 6515.55, 6515.60, 6515.98, 6520, and 6570. |
| Mercury (metallic) | 6635. |
| Platinum and Allied Metals | 6920, 6922.05, 6922.09, 6929.05, and 6929.98. |

Commodity

Tin (Fig. in Bronze, q. v., Babbitt and Solder, (see Lead) and in Tin Manufactures not including Tinplate, q. v.):

| | |
|---|---|
| Zinc | 6565*, 6565.01 thru 6565.98, 6570, 6571, 6572.05, 6572.09, 6573.05, 6573.07, 6573.98, 6586, 6589.01, 6589.03, 6589.07, and 6589.98. |
| Ferromanganese | 6213.03. |
| Ferromolybdenum | 6220.85. |
| Ferrotungsten | 6220.96. |
| Ferrovandium | 6220.87. |
| Acetic Acid | 8300. |
| Acetone | 8316. |
| Ammonium Sulfate | 8505. |
| Anhydrous Ammonia | 8390. |
| Aniline (Aniline Oil) | 8025.15. |
| Camphor | 8260*, 8329.98. |
| Carbon Tetrachloride | 8329.1. |
| Castor Oil | 8111 (Medicinal) 2249.01 (Commercial). |
| Chlorine | 8392. |
| Chlorine Acid | 8303.07. |
| Copper Sulfate | 8201. |
| Cotton Linters | 3004. |
| Cotton Pulp | 3006. |
| Dibutyl Phthalate | 8025.98. |
| Dynamite | 8604. |
| Formaldehyde | 8320. |
| Glycerin | 8314. |
| Methyl Alcohol (Methanol) | 8310. |
| Naphthalene | 8020.05. |
| Neat's-foot Oil | 8083. |
| Phenol | 8023. |
| Phosphorus | 8398.87. |
| Phthalic Anhydride | 8025.90. |
| Plastics: | |
| Methyl - Methacrylate Synthetic Resins | 8258.03 and 8261.03. |
| Urea Synthetic Resins | 8257.07, 8257.98, 8260.07, and 8261.07. |
| Alkyd Synthetic Resins | 8253. |
| Phenolic (Tar-acid) Resins | 8255.01, 8255.98, 8260.01 and 8261.01. |
| "Other" Synthetic Resins | 8258.98, 8260.98 and 8261.98. |
| Cellulose Nitrate Plastics | 8254. |
| Cellulose Acetate Plastics | 8265.05 and 8265.98. |
| Potash Salts | 8631.01, 8631.03, 8631.05, and 8631.98. |
| Potassium Chlorate | 8359.08 and 8359.09. |
| Potassium Permanganate | 8359.23. |
| Strontium Chemicals | 8397.82 thru 8397.88. |
| Sulfuric Acid | 8309.5 and 8309.7. |
| Superphosphate | 8519. |
| Toluol | 8011. |
| Cryolite | 5960.10 and 5960.15. |
| Diamond Dies (non-strategic) | 7455.03. |
| Carbon Electrodes | 5473.01. |
| Graphite Electrodes | 5473.05. |
| Fluorspar (Metallurgical, Acid and Ceramic) | 5960.20. |
| Graphite, natural amorphous | 5472.01 and 5472.98. |
| Mica | 5510, 5512, 5513. |
| Uranium Salts and Compounds | 4398.30. |
| Woodpulp | 4601, 4602, 4604, 4608, 4606, 4610, and 4619. |
| Belting Leather | 0330. |
| Calf Upper Leather | 0304.2, 0305.1, 0305.2, and 0304.01. |
| Sole Leather: Backs, Bends and Sides | 0324. |
| Sole Leather: Other than Backs, Bends and Sides (incl. offal) | 0332.05 and 0332.98. |
| Rayon | 3840.10 and 3840.12. |
| Acronite | 2209.27. |
| Ascorbic Acid | 8119.98. |
| Beladonna Leaves | 1209.01, 8124.03, 8127.93, 8135.01 thru 8135.03, 8135.10, |
| Beladonna Roots | 8150.01, 8151.01, and 8180.03. |

* Schedule F number.

| Commodity | Schedule B No. |
|------------------------------|----------------|
| Digitallis ----- | 2209.98. |
| Ergot ----- | 2209.98. |
| Insulin ----- | 8123. |
| Ipecac ----- | 2209.98. |
| Procaine ----- | 8135.25. |
| Red Squill ----- | 2209.21. |
| Sulfaguanidine ----- | 8135.93. |
| Sulfanilamide ----- | 8135.93. |
| Thiamine Hydrochloride ----- | 8119.98. |

[F. R. Doc. 42-7320; Filed, July 29, 1942; 11:34 a. m.]

PART 1296—PYRIDINE

[Conservation Order M-185]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of pyridine, for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1296.1 *Conservation Order M-185—*
(a) *Definitions.* For the purposes of this order:

(1) "Pyridine" means that particular fraction of the material commonly known as "tar bases" recovered as a by-product in the destructive distillation of coal, which fraction, upon distillation will have a dry point not above 117° C.

(2) "Pure pyridine" means the chemical compound known by that name.

(3) "Two-degree pyridine" means pyridine which, when dehydrated, distills completely within a temperature range of 2° C., which range includes the true boiling point of pure pyridine (115° C.).

(4) "Crude pyridine bases" means any mixture of pure pyridine and its homologs from which pyridine may be obtained.

(5) "Producer" means any person who produces pyridine and includes any person who has pyridine produced for him pursuant to toll agreement.

(6) "Distributor" means any person who has purchased or purchases pyridine from a producer for purposes of resale.

(b) *Restrictions on use and delivery of pyridine.* On and after September 1, 1942 no producer or distributor shall use or deliver pyridine except as specifically directed or authorized by the Director General for Operations upon application pursuant to paragraph (c) hereof: *Provided, however,* That no such specific authorization shall be required for:

(1) The use by any producer or distributor of ten (10) gallons or less of pyridine in any one month;

(2) The delivery by any producer or distributor of ten (10) gallons or less of pyridine to any one person in any one month: *Provided,* That each producer or distributor before making any such delivery shall have received a certificate from the deliverer to the effect that if the delivery covered by such certificate is made, the deliverer will not have received during the current month in excess of ten (10) gallons of pyridine: *And, Provided further,* That the aggregate amount of such deliveries in any one month shall not exceed the total quan-

tity of such deliveries which he is specifically authorized to make during such month.

(c) *Production of pyridine.* Each producer in processing crude pyridine bases shall comply with such directions as may be given from time to time by the Director General for Operations with respect to the operation of his plant.

(d) *Restrictions on use and delivery of crude pyridine bases.* No person shall use or deliver crude pyridine bases for any purpose other than for the extraction of pyridine therefrom unless specifically directed or authorized by the Director General for Operations.

(e) *Applications and reports.* In addition to such other reports as may from time to time be required by the Director General for Operations:

(1) Each producer and distributor seeking authorization to use, and each person seeking authorization for delivery of, pyridine, during any month, shall file Form PD-604 in the manner prescribed therein on or before the 10th day of the month preceding the month for which authorization for use or delivery is requested.

(2) Each producer and distributor shall file Form PD-605 in the manner prescribed therein on or before August 18, 1942 and on or before the 18th day of each month thereafter.

(f) *Notification of customers.* Producers and distributors of pyridine shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but failure to give such notice shall not excuse any such person from complying with the terms hereof.

(g) *Miscellaneous provisions—*(1) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of pyridine, shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(2) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: "War Production Board, Chemicals Branch, Washington, D. C., Ref: M-135. (P.D. Reg. 1, as amended, 6 F.R. 6630; W.P.B. Reg. 1, 7 F.R. 561; E.O. 8024, 7 F.R. 329; E.O. 8040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)"

Issued this 29th day of July 1942.

ARMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-7321; Filed, July 29, 1942; 11:34 a. m.]

PART 3022—SILVER

[Conservation Order M-199]

The fulfillment of the requirements for the defense of the United States has created a shortage in the supply of silver for defense, for private account, and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3022.1 *Conservation order M-199—*
(a) *Definitions.* For the purposes of this order:

(1) "Silver" means silver bullion, silver scrap and other secondary forms of silver, and any alloy, compound, salt, or mixture containing more than one-half of one per cent of silver by weight.

(2) "Foreign silver" means any silver except that which has been produced since July 1, 1939, from mines situated inside of the territorial limits of the United States, its territories and possessions. It also includes foreign silver scrap and other secondary forms of foreign silver, and any alloy, compound, salt, or other mixture containing more than one-half of one per cent of foreign silver by weight. *Provided, however,* That scrap and other secondary forms of silver resulting from the processing of silver produced since July 1, 1939, from mines situated inside of the territorial limits of the United States, its territories and possessions, shall be considered as excepted from the category of "foreign silver," as such term is used herein, only as long as such scrap and secondary form of silver remains in the ownership of the person whose processing operations produced it.

(3) "Restricted use" means a use of silver in the manufacture of a product or part thereof or in any other use appearing upon List A hereto attached.

(4) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of or under common control with or available for the use of such person.

(5) "Manufacturer" means any person who uses silver by incorporating it physically in the products or parts thereof which he manufactures or who uses or consumes silver in any manufacturing process.

(6) "Supplier" means any person who imports, smelts, alloys, melts, rolls, or

refines silver, or who sells silver to manufacturers. The term includes distributors.

(7) "Process" means cut, draw, machine, stamp, melt, cast, forge, roll, turn, spin, or otherwise shape. It also means assemble.

(8) "Put into process" means the first change by the manufacturer in the form of material from that form in which it is received by him.

(9) The term "assemble" shall not be deemed to include the putting together of an article after delivery to a sales outlet or consumer in knockdown form pursuant to an established custom. The term "assemble" shall also not be deemed to include adding finished parts to an otherwise finished article when the placing of one or more finished parts or the size or type of one or more finished parts is determined by the use to which the ultimate consumer is to put the article.

(b) *Restrictions upon sale or delivery of foreign silver for restricted uses.* No supplier shall sell foreign silver except to a supplier or a manufacturer. Between July 29, 1942, and October 1, 1942, except to fill orders bearing a preference rating of A-3 or higher, no supplier shall sell or deliver foreign silver to any manufacturer for restricted uses in excess of one-twelfth of the aggregate amount by weight of such foreign silver sold or delivered by him to such manufacturer for restricted uses during the calendar year 1941 or in excess of one-sixth of the aggregate amount by weight of such foreign silver sold or delivered to him by such manufacturer for restricted uses during the period from January 1, 1942, to July 1, 1942, whichever is greater; and after October 1, 1942, except to fill orders bearing a preference rating of A-3 or higher, no supplier shall sell or deliver any foreign silver to any manufacturer for restricted uses. No supplier shall sell or deliver foreign silver to any person if he knows, or has reason to believe, such silver is to be received or used in violation of the terms of this order.

(c) *Restrictions upon purchase or receipt of foreign silver for restricted uses.* Between July 29, 1942, and October 1, 1942, except to fill orders bearing a preference rating of A-3 or higher, no manufacturer shall purchase or receive foreign silver for restricted uses in excess of one-twelfth of the aggregate amount by weight of such foreign silver purchased or received by such manufacturer for restricted uses during the calendar year 1941 or in excess of one-sixth of the aggregate amount by weight of such foreign silver purchased or received by such manufacturer for restricted uses during the period from January 1, 1942, to July 1, 1942, whichever is greater; and after October 1, 1942, except to fill orders bearing a preference rating of A-3 or higher, no manufacturer shall purchase or receive any foreign silver for restricted uses.

(d) *Restrictions upon manufacture of foreign silver for restricted uses.* Between July 29, 1942, and October 1, 1942, except to fill orders bearing a preference rating of A-3 or higher, no manufacturer shall put into process foreign silver

for restricted uses in excess of one-twelfth of the aggregate amount by weight of such foreign silver put into process by such manufacturer for restricted uses during the year 1941 or in excess of one-sixth of the aggregate amount by weight of such foreign silver put into process by such manufacturer for restricted uses during the period from January 1, 1942, to July 1, 1942, whichever is greater. Except to fill orders bearing a preference rating of A-3 or higher, no manufacturer shall put into process any foreign silver for restricted uses, nor shall he process further any partially-processed products or parts thereof of foreign silver on List A, unless the products or parts will be finished by October 1, 1942. After October 1, 1942, except to fill orders bearing a preference rating of A-3 or higher, no manufacturer shall put into process or process any foreign silver for restricted uses.

(e) *Delivery certificate for foreign silver.* No supplier shall deliver foreign silver to any manufacturer and no manufacturer shall receive foreign silver from any supplier unless the manufacturer shall make and deliver to the supplier, or endorse on the purchase order, a certificate, manually signed by the manufacturer or a responsible official thereof, in substantially the following form, to-wit:

The undersigned hereby certifies that he is familiar with the terms of Conservation Order M-199; that he is a manufacturer as such term is used in such order; and that the foreign silver covered by the accompanying order of even date shall be received and used as permitted by said Order M-199.

Dated _____
Name _____
By _____

Such certificate shall constitute a representation by the manufacturer to the supplier and the War Production Board of the facts stated therein. The supplier shall be entitled to rely on such representation unless he knows or has reason to believe it to be false.

(f) *General exception.* None of the restrictions in this order as to sale, purchase, delivery, receipt, or use of foreign silver shall be applicable to the United States or any of its departments or governmental agencies.

(g) *Repair exception.* The restrictions of this order shall not apply to a person repairing a used article on or off the premises of the owner, if the person making the repair does not use foreign silver weighing in the aggregate more than 5 ounces and if any putting into process or processing done by such person is for the purpose of making the specific repair.

(h) *Limitations of inventories.* No manufacturer shall receive delivery of foreign silver, in the form of raw materials, semi-processed materials, finished parts, or sub-assemblies, nor shall he put into process any raw material, in quantities which in either case shall result in an inventory of raw, semi-processed, or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the use of foreign silver by this order.

(i) *Reports.* Each supplier and each manufacturer and every other person affected by this order shall file such re-

ports as may be requested from time to time by the Director General for Operations.

(j) *Miscellaneous provisions.*—(1) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of silver conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter or other written communication, in triplicate, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(2) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to the use of material in all items hereafter manufactured irrespective of whether such items are manufactured pursuant to a contract made prior or subsequent to the effective date hereof. Insofar as any other order of the Director General for Operations may have the effect of limiting or curtailing to a greater extent than herein provided, the use of foreign silver in the production of any item, the limitations of such other order shall be observed.

(3) *Applicability of Priorities Regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Miscellaneous Minerals Branch, Washington, D. C. Ref.: M-199.

(5) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 29th day of July 1942.

AMORY HOUGHTON,
Director General for Operations.

LIST A

RESTRICTED USES OF FOREIGN SILVER UNDER CONSERVATION ORDER M-199

1. Silverware, including, without limitation, knives, forks, spoons, plates, platters, dishes, pitchers, vases, cups, candlesticks, and all other kinds of flatware and hollowware and

table, kitchen, and decorative utensils and objects

2. Watch cases and jewelry, including, without limitation, costume jewelry, blackout jewelry and other articles of personal adornment, except those permitted as church goods

3. Badges and insignia

4. Church goods as defined in General Limitation Order L-136

5. Slide fasteners, hooks and eyes, snaps, fasteners, and buttons

6. Closures for containers

7. Pens and pencils

8. Toilet sets and picture frames

9. Musical instruments

10. Electroplating not necessary for operational purposes, except for use in the manufacture and repair of dental, surgical, and veterinary instruments, appliances and equipment.

11. Silverclad metal, except for use in the manufacture and repair of dental, surgical, and veterinary instruments, appliances, and equipment

12. Insulated wire for electrical conductors

[F. R. Doc. 42-7322; Filed, July 29, 1942; 11:35 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Amendment 23 to Revised Tire Rationing Regulations¹]

TIRES AND TUBES, RETREADING AND RECAPPING OF TIRES AND CAMELBACK

In § 1315.801, paragraph (a) (2) and (f) (2) are amended to read as set forth below:

Transfers and Deliveries of New Tires and Tubes, Retreaded or Recapped Tires and Camelback

§ 1315.801 *Permitted and prohibited transfers of new tires and tubes.*
(a) * * *

(2) Unless specifically exempted, all physical transfers involving a change in the location or use of tires or tubes are included. Thus, if a dealer in tires or tubes removes a tire from his stock and mounts it on a vehicle owned by him, a transfer has occurred within the meaning of these Revised Tire Rationing Regulations. Furthermore, a change in physical location involving a movement of a tire from one establishment to another is a transfer, although routine shifts in stock within a single building are not transfers within these regulations. It should be noted, however, that freedom to move tires and tubes is expressly permitted by this § 1315.801 (c) and (f) (2) in a wide number of cases.

(f) *Other transfers.* * * *

(2) *By wholesaler or manufacturer without changing ownership or control: new tires and tubes kept on any premises by manufacturer.* (i) Any wholesaler may, without certificate, transfer new tires or tubes to any premises owned, operated or controlled by such person and not used in performing the functions of a distributor or retailer, provided that no change in ownership or control of such tires or tubes is thereby

effected. Records of such transfer shall be kept and reports in connection therewith shall be made as may be required by the Office of Price Administration.

(ii) Any person who manufactures tires and tubes and who complies with the following conditions may, without certificate, transfer new tires or tubes to, or keep them upon any premises; provided that no change in ownership or control of such tires or tubes is thereby effected:

(a) Except as provided hereinafter, the manufacturer shall not transfer to or keep such tires and tubes upon any premises, whether or not new tires or tubes were previously kept at such premises, unless he has been authorized in writing by the Office of Price Administration, Washington, D. C. Application for such authorization shall be made in writing by the manufacturer and shall state the number of such tires and tubes to be transferred to or kept upon each of such premises, the location of said premises, and the name and address of the person who owns or controls the premises. The Office of Price Administration may in its discretion deny, modify, or revoke any authorization at any time. The number of premises authorized for each manufacturer shall not exceed 250.

(b) The manufacturer shall also submit with his first application for authorization, a statement of all consigned stocks kept by him upon any premises in the United States or any of its territories or possessions, both as of December 11, 1941, and as of the date of application. The statement shall set forth the name and address of each such consignee and the number of consigned tires and tubes in his possession. Subsequent applications for authorization of additional premises shall set forth any changes which have occurred in the facts contained in the original statement of consigned stocks.

(c) A manufacturer may not keep more than 500 new tires and 500 new tubes at any time on an authorized premise unless the Office of Price Administration authorizes him in writing to keep a greater stock, or unless the authorized premise is a regional branch of the manufacturer. A regional branch means any premise wholly controlled by the manufacturer at which the usual functions of the manufacturer's business, apart from production, are performed, provided that such premise is not used in performing the functions of a distributor or retailer.

(d) The tires or tubes shall be kept segregated from any others owned, possessed or controlled by a person other than the manufacturer and shall be made readily identifiable upon inspection by signs, labels or similar means. The manufacturer shall at all times have access to the portion of such premises on which the tires and tubes are so segregated.

(e) Except in the case of transfer without certificate expressly permitted by other provisions of these Revised Tire Rationing Regulations, or transfer by a manufacturer from one of his authorized premises to another, no tires or tubes shall be transferred from such premises unless the manufacturer or his duly authorized agent shall have first received in exchange therefor and in accordance

with the requirements of these regulations a nontransferable certificate for the purchase of new tires or tubes, OPA Form No. R-2, a nontransferable emergency certificate, OPA Form No. R-23, a nontransferable receipt, OPA Form No. R-12, or Part B of any such certificate or receipt. The manufacturer shall not designate as his agent to receive the certificates, receipts, or Parts B thereof, any person who operates or controls the premises or any employee of such person or anyone in any manner interested in or connected with the business of such person.

(f) Records of all transfers to or from authorized premises shall be kept by the manufacturer at such premises and at his principal place of business. The manufacturer shall make monthly reports thereof to the Office of Price Administration, Washington, D. C., commencing with the month of August, 1942. Such reports shall be filed not later than the fifth day of the calendar month following the period covered by the report. They shall include an inventory based upon a physical count, showing the total number of new tires and tubes at the end of the preceding monthly period on each of the premises, together with all transfers to and from such stocks during said monthly period and shall list, by serial number if there is one, the certificates or receipts or Parts B thereof, upon which the transfers were made and the number, by size and type, of tires or tubes represented by each such certificate or receipt.

(g) The provisions of paragraph (f) (2) of this section shall apply to tires and tubes located at authorized premises and shall not apply to tires or tubes located at the place of manufacture; or in a public warehouse; or to stocks consigned before December 11, 1941, to a distributor or retailer or replenished thereafter in accordance with these Regulations. In the case of segregated stocks an "authorized premise" means only that portion of the premise upon which the segregated stock is located.

* * *
§ 1315.1199a *Effective dates of amendments.* * * *

(w) Amendment No. 23 (§ 1315.801) to Revised Tire Rationing Regulations shall become effective July 29, 1942.

(Pub. Law 421, 77th Cong., OFM Supp. Order No. M-15-c, WPB Directive No. 1, Supp. Directive No. 13, 6 F.R. 6792; 7 F.R. 562, 925)

Issued this 28th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7270; Filed, July 23, 1942; 12:07 p. m.]

PART 1340—FUEL

[Amendment 23 to Revised Price Schedule 23¹]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment

¹ 7 F.R. 1107, 1371, 1798, 1799, 1836, 2132, 2304, 2352, 2634, 2345, 3116, 3432, 3524, 3576, 3635, 3963, 4483, 4633, 4834, 4937.

¹ 7 F.R. 1027, 1089, 2106, 2107, 2541, 2633.

has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1340.156, a new paragraph (c) is added as set forth below:

§ 1340.156 Modification of price schedule. * * *

(c) *Applications for adjustment.* (1) The Office of Price Administration, or any duly authorized officer thereof, may by order adjust the maximum price established under this Revised Price Schedule No. 88, for any seller subject to the provisions thereof in any case in which such seller shows:

(i) That such maximum price causes him substantial hardship and is abnormally low in relation to the maximum prices established for competitive sellers of the same or similar crude petroleum and/or petroleum products, and

(ii) That establishing for him a maximum price bearing a normal relation to the maximum prices established for competitive sellers of crude petroleum and/or the same or similar products will not cause or threaten to cause an increase in the level of retail prices.

Applications for adjustment under this subparagraph (1) shall be filed in accordance with Procedural Regulation No. 1.²

(2) Any person seeking relief, for which no provision is made in the foregoing subparagraph (1) of this paragraph (c), from a maximum price established under this Revised Price Schedule No. 88, may present the special circumstances of his case in an application for an order of adjustment. Such an application shall be filed in accordance with Procedural Regulation No. 1 and shall set forth the facts relating to the hardship to which such maximum price subjects the applicant together with a statement of the reasons why he believes that the granting of relief in his case and in all like cases will not defeat or impair the policy of the Emergency Price Control Act of 1942 and of this Revised Price Schedule No. 88 to eliminate the danger of inflation.

§ 1340.158a Effective dates of amendments. * * *

(w) Amendment No. 23 (§ 1340.156) to Revised Price Schedule No. 88 shall become effective this 29th day of July 1942.

(Pub. Law 421, 77th Cong.)

Issued this 28th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7274; Filed, July 28, 1942; 12:08 p. m.]

PART 1340—FUEL

[Amendment 24 to Revised Price Schedule 88¹]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment

has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new subdivision (viii) is added to § 1340.159 (c) (1) as set forth below:

§ 1340.159 Appendix A: Maximum prices for petroleum and petroleum products. * * *

(c) *Specific prices.*

(1) *Crude petroleum.*

(viii) *Wyoming.* The maximum price for crude petroleum produced in the Derby and Dallas pools and the Hudson Oil Company's production from the Hudson pool near Lander, Wyoming shall be 60 cents per barrel delivered at Lander, Wyoming.

§ 1340.158a Effective dates of amendments. * * *

(x) Amendment No. 24 (§§ 1340.159 (c) (1) (viii)) to Revised Price Schedule No. 88 shall become effective July 31, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 28th day of July, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7275; Filed, July 28, 1942; 12:07 p. m.]

PART 1340—FUEL

[Amendment 6 to Maximum Price Regulation 137¹]

PETROLEUM PRODUCTS SOLD AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1340.89 a new paragraph (c) is added to read as set forth below:

§ 1340.89 Procedure for adjustment or amendment. * * *

(c) *Applications for orders of adjustment.* Any person seeking relief for which no provision is made in paragraph (a) of this section, from a maximum price established under Maximum Price Regulation No. 137 may present the special circumstances of his case in an application for an order of adjustment. Such an application shall be filed in accordance with Procedural Regulation No. 1² and shall set forth the facts relating to the hardship to which such maximum price subjects the applicant together with a statement of the reasons why he believes that the granting of relief in this case and in all like cases will not defeat or impair the policy of eliminating the danger of inflation embodied in the Emergency Price Control Act of 1942 and of Maximum Price Regulation No. 137.

§ 1340.93a Effective dates of amendments. * * *

¹ 7 F.R. 3165, 3749, 4273.

² 7 F.R. 971.

(f) Amendment No. 6 (§ 1340.89) to Maximum Price Regulation No. 137 shall become effective this 1st day of August 1942.

(Pub. Law 421, 77th Cong.)

Issued this 28th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7271; Filed, July 28, 1942; 12:10 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[Amendment 3 to Maximum Price Regulation 169¹]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Amended: §§ 1364.52 (d), 1364.53 (c) (1) and 1364.62 (a) (2).

Added: §§ 1364.62 (a) (11) and 1364.63 (c) as set forth below:

§ 1364.52 Maximum prices for beef and veal carcasses and wholesale cuts. * * *

(d) The maximum price for each grade of each beef or veal carcass or wholesale cut which is purchased for any institution of any State, or political subdivision thereof, or of the United States by an authorized purchasing agency (other than purchases for the armed forces of the United States or the Federal Surplus Commodities Corporation) shall be either:

(1) The highest price which such agency contracted to pay for such grade of carcass or cut in contracts specifying comparable delivery and entered into during the thirty-day period commencing on March 16, 1942, or actually paid for such grade of carcass or cut delivered during such period; or

(2) The seller's maximum price determined under the applicable provisions of paragraph (a), (b) or (c) of this section.

The purchaser shall, in issuing requests for bids, state which of the two formulae for determining maximum prices set out in subparagraphs (1) and (2) of this paragraph (d) shall be applicable to such bids: *Provided*, That if the purchaser states that the maximum price is the alternative set forth in said subparagraph (1), the purchaser shall quote in its invitation for bids the maximum price for each grade of beef or veal carcass or wholesale cut to be purchased.

§ 1364.53 Duty to maintain and identify grades. * * *

(c) (1) No person shall sell or break any beef or veal carcass unless a stamp has been placed thereon with harmless marking fluid conforming to the formula for violet branding fluid approved by the United States Department of Agriculture,

¹ 7 F.R. 4653, 4798.

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 1107, 1371, 1798, 1799, 1836, 2132, 2304, 2352, 2634, 2945, 3116, 3482, 3524, 3552, 3576, 3895, 3963, 4483, 4653, 4854, 4957.

² 7 F.R. 971.

Bureau of Animal Industry, set forth in Appendix C hereof, and incorporated herein as § 1364.66, marking the appropriate grade letter, as hereinafter designated, in such manner as to identify by such letter the uniform grade of each wholesale cut which may be derived from such carcass, except that in the case of a calf or veal carcass sold with the skin on, the grade letter shall be stamped only on the shanks and briskets. The sex identification shall be similarly stamped upon all cow, bull and stag carcasses. The grade and prescribed sex identification of each beef or veal carcass and wholesale cut must appear on the seller's invoice.

* * * * *

§ 1364.62 *Definitions.* (a) * * *

(2) "Seller" means any person who sells, supplies, disposes, barter, exchanges, transfers and delivers, and contracts and offers to do any of the foregoing. Where a person makes sales from more than one place of business, each separate place of business of such person shall be deemed to be a separate seller, except that all places of business owned or controlled by the same person, and selling in the same market area shall be regarded as a single seller. Each shipping point from which a car route or car routes originate shall be deemed a separate seller. If more than half of the sales at any one place of business are sales of kosher cuts or of cuts derived from kosher carcasses the sales at such place of business shall not be included with sales at any other place of business in computing maximum prices. All sales by any person to hotels and restaurants from one or more selling places in the same market area may be treated, at the option of such person, as sales by a separate seller.

* * * * *

(11) "Packaged meat" means meat sold in prepared containers of uniform size and appearance, which containers bear an identification of the contents and a statement of the weight or volume thereof.

* * * * *

§ 1364.63 *Effective date.* * * *

(c) Amendment No. 3 (§§ 1364.52 (d), 1364.53 (c) (1), 1364.62 (a) (2) and (11) and 1364.63 (c)) to Maximum Price Regulation No. 169 shall become effective July 28, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 28th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7273; Filed, July 28, 1942;
12:09 p. m.]

PART 1381—SOFTWOOD LUMBER

[Correction to Maximum Price Regulation 19¹]

SOUTHERN PINE LUMBER

In the list of estimated weights in § 1381.212 (d) (4) (iii) the seventh

item, "1 x 6" to 1 x 10" D & M or Ship-lap", under Strips and Boards (1 inch): is corrected to read "1 x 8" to 1 x 10" D & M or Ship-lap".

In § 1381.212 (b), under Additions and Deductions to Table 15—Timbers, Green Rough, the three columns under item 12 should be headed to read "24" and under", "25—30", and "31—40", respectively.

§ 1381.211a *Effective dates of amendments.* (a) Correction (§§ 1381.212 (d), 1381.212 (b)) to Maximum Price Regulation No. 19 shall become effective July 28, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 28th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7272; Filed, July 28, 1942;
12:09 p. m.]

PART 1389—APPAREL

[Amendment 1 to Maximum Price Regulation 153, as Amended¹]

WOMEN'S, GIRLS' AND CHILDREN'S OUTERWEAR GARMENTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1389.1, subparagraph (1) of paragraph (b) is amended, in § 1389.2, the text is designated paragraph (a), the proviso is designated subparagraph (1) and a new subparagraph (2) is added, in § 1389.3, new subparagraphs (3) and (4) are added to both paragraphs (a) and (b), paragraph (c) is revoked, and a new subparagraph (4) is added to paragraph (e), §§ 1389.4 and 1389.8 are amended, in § 1389.9 the headnote is amended and a new paragraph (c) is added, in § 1389.10 a new subparagraph (14) is added to paragraph (a) and in § 1389.13 an additional category number 31 is added, as set forth below:

§ 1389.1 *New lines of women's, girls' and children's outerwear garments subject to this Maximum Price Regulation No. 153, as amended.* * * *

(b) * * *

(1) "Women's, girls' and children's outerwear garments" includes garments of the following types: coats, suits, separate jackets, separate skirts, dresses, blouses, snowsuits, legging sets, separate leggings, and separate ski pants, as defined in § 1389.10.

§ 1389.2 *Prohibition against dealing in new lines of women's, girls' and children's outerwear garments at prices above the maximum.* (a) * * *

*Copies may be obtained from the Office of Price Administration, Washington, D. C.

¹7 F.R. 5427.

²7 F.R. 4381.

(1) * * *

(2) *Provided*, That any mail order house, selling at retail, which, after application under § 1499.18 (a) of the General Maximum Price Regulation² for adjustment of its maximum prices for listing in a Fall, 1942 catalog and pursuant to authorization by the Office of Price Administration prior to May 23, 1942, the date of the issuance of Maximum Price Regulation No. 153,³ established under § 1499.3 (a) its maximum prices for new lines of women's, girls' and children's outerwear garments, may sell and deliver new lines of such garments listed in its Fall 1942 catalog at the maximum prices thus established, except that in any subsequent catalog or flier, prices for new lines of garments shall not exceed the maximum prices established by this Maximum Price Regulation No. 153, as amended, or such other price regulations in effect at that time.

§ 1389.3 *Maximum prices for new lines of women's, girls' and children's outerwear garments—(a) Sales at wholesale or retail.* * * *

(3) *In those cases where the garments to be priced are not in the same category as the garments which the seller delivered during his last selling season:* The seller's maximum price shall be:

(i) The total of the cost to the seller of the garment being priced plus the average initial percentage mark-up taken by the seller on deliveries during his last selling season of his next lower cost price line of women's, girls' and children's outerwear garments of any category; or

(ii) in the absence of any lower cost price line, the total of the cost to the seller of the garment being priced plus the average initial percentage mark-up on deliveries during his last selling season of his lowest cost price line of women's, girls' and children's outerwear garments of any category.

(4) *Sales of new lines of women's, girls' and children's outerwear garments which cannot be priced under subparagraphs (1), (2) or (3) of this paragraph.* The seller's maximum price for garments in any new line where the garments in such new line cannot be priced under subparagraphs (1), (2) or (3) of this paragraph shall be a maximum price in line with the level of maximum prices established by this Maximum Price Regulation No. 153, as amended. Such price will be determined as follows:

(i) *In those cases where a closely competitive seller of the same class has established a maximum price under § 1499.2 (a) of the General Maximum Price Regulation² or under subparagraph (1) or (2) of this paragraph for the same or a similar garment:* The seller's maximum price shall be the maximum price so established by the most closely competitive seller of the same class:

²7 F.R., 3153, 3330, 3666, 3330, 3331, 4339, 4457, 4639, 4733, 5027, 5276, 5192, 5365.

³7 F.R. 3301, 4381.

(a) For the same garment, or
 (b) If no such maximum price has been established, for the similar garment most nearly like it.

(ii) *In those cases where no competitive seller of the same class has established a maximum price under § 1499.2 (a) of the General Maximum Price Regulation² or under subparagraph (1) or (2) of this paragraph for the same or a similar garment:* The seller's maximum price shall be a price determined by the seller after specific authorization from the Office of Price Administration. A seller who seeks an authorization to determine a maximum price under the provisions of this subdivision shall file with the Office of Price Administration in Washington, D. C. an application setting forth (a) a description in detail of the garment for which a maximum price is sought, (b) a statement of facts which differentiate such garment from other garments priced under this section by the seller or by other competitive sellers of the same class, and (c) such other information as may be required by the Office of Price Administration. If such authorization is given, it will be accompanied by instructions as to the method for determining the maximum price.

(b) *Sales other than at wholesale or retail.* * * *

(3) *In those cases where the garments to be priced are not in the same category as the garments which the seller delivered during his last selling season:* Except as provided in subdivision (iv) of this subparagraph, the seller's maximum price shall be a price determined in accordance with the following procedure:

(i) The seller shall file with the Office of Price Administration in Washington, D. C. a statement, signed under oath or affirmation, containing a calculation of what the maximum price of the garment being priced would be if the cost to the seller of the garment being priced were added to the average initial percentage margin taken by the seller on his next lower cost price line (or, in the absence of any next lower cost price line, on his lowest cost price line) of women's, girls' and children's garments of any category delivered during his last selling season.

(ii) No person seeking to determine a maximum price pursuant to this subparagraph shall sell or deliver such garments until receipt of written notification from the Office of Price Administration authorizing him to determine his maximum price on the basis of the calculation in subdivision (i) of this subparagraph or pursuant to such other formula as may be specifically authorized by the Office of Price Administration. Such authorization will be denied by the Office of Price Administration unless the seller shows in his statement submitted pursuant to this subparagraph:

(a) The necessity for producing and selling garments in such new category;

(b) That the failure to obtain such authorization will cause or is likely to cause undue financial hardship; and

(c) That the garments in such new category are consistent with the seller's normal business and price line policy.

(iii) In addition to the other information required by subdivision (i) and (ii) of this subparagraph, the statement filed by any person seeking to determine a maximum price pursuant to this subparagraph shall also contain the following supporting data:

(a) A description of the garment for which a maximum price is sought, including data as to size range, category and type and specifications of materials and trimmings used in the manufacture of the garment;

(b) A statement as to whether the materials used in the manufacture of the garment, for which a maximum price is sought, have been or are being used by the seller in the manufacture of other garments and, if so, a description of such garments and the selling prices thereof;

(c) The following information concerning the women's, girls' and children's outerwear garments which the seller delivered during his last selling season in each price line of each category: the cost to the seller of the garments, the selling prices of the garments, and the average initial percentage margin taken by the seller on the garments.

(iv) In the case of any seller who prior to July 27, 1942, mailed an application to the Office of Price Administration pursuant to § 1389.3 (c) of Maximum Price Regulation No. 153, as amended, for authorization to determine a maximum price for a garment which is not in the same category as the garments which he delivered during the last selling season, the seller's maximum price shall be the total of the cost to the seller of the garment being priced plus the average initial percentage margin taken by the seller on his next lower cost price line (or, in the absence of any next lower cost price line, on his lowest cost price line) of women's, girls' and children's outerwear garments of any category delivered during his last selling season: *Provided*, That any such seller, who during the period between July 27, 1942 to July 31, 1942, inclusive, receives written notification pursuant to this subdivision from the Office of Price Administration, shall not determine his maximum price pursuant to this subdivision but shall determine his maximum price pursuant to the procedure set forth in subdivision (iii) of this subparagraph or pursuant to such other method as may be authorized in such written notification from the Office of Price Administration.

(4) *Sales of new lines of women's, girls' and children's outerwear garments which cannot be priced under subparagraphs (1), (2) or (3) of this paragraph.* The seller's maximum price for garments in any new line where the garments in such new line cannot be priced under subparagraphs (1), (2) or (3) of this paragraph shall be a maximum price in line with the level of the maximum prices established by this Maximum Price Regulation No. 153, as amended. Such price shall be determined as follows:

(i) *In those cases where a closely competitive seller of the same class has established a maximum price under § 1499.2 (a) of the General Maximum Price Regulation² or under subparagraph (1) or (2) of this section for the same or a similar garment.* The seller's maximum price shall be the maximum price so established by the most closely competitive seller of the same class:

(a) For the same, or

(b) If no such maximum price has been established, for the similar garment most nearly like it.

(ii) *In those cases where no competitive seller of the same class has established a maximum price under § 1499.2 (a) of the General Maximum Price Regulation² or under subparagraph (1) or (2) of this paragraph for the same or a similar commodity.* The seller's maximum price shall be a price determined by the seller after specific authorization from the Office of Price Administration. A seller who seeks an authorization to determine a maximum price under the provisions of this subdivision shall file with the Office of Price Administration in Washington, D. C., an application setting forth (a) a description in detail of the garment for which a maximum price is sought, (b) a statement of facts which differentiate such garment from other garments priced under this section by the seller or by other competitive sellers of the same class, and (c) such other information as may be required by the Office of Price Administration. If such authorization is given, it will be accompanied by instructions as to the method for determining the maximum price.

(e) *Meaning of terms.* * * *

(4) "Seller" means a seller of women's, girls' or children's outerwear garments. For purposes of this section, where a seller during his last selling season made sales through separate departments or separate units, each separate department and each separate unit or place of business shall be deemed to be a separate seller.

§ 1389.4 *Incorporations of provisions of the General Maximum Price Regulation.²* The provisions of § 1499.4 (Supplemental Regulations), § 1499.5 (Transfers of business or stock in trade), § 1499.13 (Maximum prices of cost-of-living commodities: statement, marking or posting), § 1499.18 (Applications for adjustment), and § 1499.19 (Petitions for amendment) of the General Maximum Price Regulation shall apply to all sales for which maximum prices are established by § 1389.3 and to all persons making such sales. References in § 1499.18 of the General Maximum Price Regulation to § 1499.2 and § 1499.3 thereof, for the purposes of this Maximum Price Regulation No. 153, as amended, shall be deemed to refer to § 1389.3. The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation shall apply to every person selling at wholesale or retail any garment covered by this Max-

imum Price Regulation No. 153, as amended. For the purposes of this Maximum Price Regulation No. 153, as amended, the terms, sell or selling or sale at retail, and sell or selling or sale at wholesale, and establishment selling at retail which appear in §§ 1499.13, 1499.15 and 1499.16 shall be construed in accordance with the definitions appearing in § 1499.20 of the General Maximum Price Regulation or any amendment thereto.

§ 1389.8 *Records and reports.* In addition to any records required to be kept by § 1389.4 every person selling women's, girls' and children's outerwear garments for which, upon sale by that person, maximum prices are established by § 1499.2 (a) of the General Maximum Price Regulation² or by § 1389.3, shall:

(a) *In the case of sales at wholesale or retail.* (1) Keep and make available for examination by, and upon demand file with, the Office of Price Administration a record of all prices established under § 1389.3. The records shall show with respect to each such price: the cost to the seller of the garment priced, the mark-up added to the cost of the garment priced, and as precisely as possible the basis upon which the seller established such price.

(2) Prepare, on or before August 1, 1942, on the basis of all available information and records, and thereafter keep and make available for examination by, and upon demand file with, the Office of Price Administration a statement showing:

(i) The cost price lines and the corresponding selling prices at which he delivered women's, girls' and children's outerwear garments in each category during the last selling season;

(ii) The selling prices at which he delivered the largest number of units for each cost price line of garments in each category during the last selling season;

(iii) All his customary allowances, discounts and price differentials.

(3) Preserve for examination by the Office of Price Administration all his existing records relating to the cost of the garments in the price lines delivered during March 1942 and during the last selling season, the mark-up added to such cost and the selling price of such garments.

(b) *In the case of sales, other than at wholesale or retail.* (1) keep and make available for examination by, and upon demand file with, the Office of Price Administration, a record of all such prices thus established. The records shall show with respect to each price: the cost to the seller of the garment priced, the margin added to the cost of the garment priced, and as precisely as possible the basis upon which the seller established such price;

(2) Prepare, and on or before August 31, 1942, file with the Office of Price Administration in Washington, D. C., sworn statements, in the detail required by forms to be furnished him by the Office of Price Administration, showing: (i) the price lines at which he delivered women's, girls' and children's outerwear

garments in each category during March, 1942 and during July, August and September, 1941; (ii) the net cost of the materials and trimmings and direct labor cost incurred in the production of such garments; and (iii) such other data and information as specified in the forms; and

(3) Preserve for examination by the Office of Price Administration all his existing records relating to the cost of the garments in the price lines delivered during March 1942 and during his last selling season, the margin added to such cost and the selling price of such garments.

(c) *All sales.* In those cases where the maximum price is established under § 1389.3 (a) (4) (i) and § 1389.3 (b) (4) (i), the seller shall also keep and make available for examination by, and upon demand file with, the Office of Price Administration, a record showing:

(1) The name and address of the most closely competitive seller of the same class whose commodity the seller used to establish his maximum price

(2) A description of such commodity of such most closely competitive seller, and

(3) A description of the same or similar commodity of the seller priced on the basis of such commodity.

§ 1389.9 *Invoices, sales slips and receipts; notification and disclosure to retailers.* * * *

(c) Every person delivering new lines of women's, girls' and children's outerwear garments to any purchaser for sale at retail shall within ten days of the first delivery to such purchaser after July 31, 1942, supply such purchaser with the text of §§ 1389.1, 1389.3 (a), (d) and (e), 1389.8 (a) and (c), 1389.10 (a) (2), (3), (4), (5), (6), (7), (8), (9), (14), 1389.12, 1389.13: *Provided*, That if such first delivery is made prior to August 5, 1942, the text of such sections may be supplied within ten days of August 5, 1942.

§ 1389.10 *Definitions.* (a) * * *

(14) "Separate ski pants" include children's outerwear garments, commonly known as ski pants, fabricated from yard goods, in sizes 3 to 14, inclusive.

§ 1389.13 *Appendix A: Classification of garments belonging to the same category.* * * *

31. All separate ski pants, in sizes 3 to 14, inclusive.

§ 1389.11 *Effective dates of amendments.* * * *

(b) Amendment No. 1 (§§ 1389.1 (b) (1), 1389.2 (a) (2), 1389.3 (a) (3) and (4), 1389.3 (b) (3) and (4), 1389.3 (c), 1389.3 (e) (4), 1389.4, 1389.8, 1389.9 (c), 1389.10 (a) (14), 1389.13) to Maximum Price Regulation No. 153, as amended, shall become effective July 31, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 28th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7269; Filed, July 23, 1942; 12:18 p. m.]

PART 1391—BICYCLE AND BICYCLE EQUIPMENT

[Amendment 1 to Revised Ration Order 7¹]
NEW ADULT BICYCLE RATION REGULATIONS

Sections 1391.1 (a) (6), (a) (11), (a) (15), 1391.4, 1391.5 (c), (g), 1391.7 (b), 1391.13 (a), 1391.26 (a) and 1391.32 are amended to read as set forth below and §§ 1391.5 (h) and 1391.37 (a) are added:

Definitions

§ 1391.1 *Definitions.* (a) When used in this Revised Ration Order No. 7: * * *

(6) "Individual consumer" means any person acquiring a bicycle for personal use, but not for sale or rental, but does not include a person who acquires or has acquired a bicycle for the use of his officer, agent, or volunteer worker, pursuant to an authorization issued prior to July 9, 1942, or pursuant to a certificate issued under § 1391.7 (b).

(11) "New adult bicycle" means an adult bicycle the frame of which has not been sold to and used by an individual consumer, and includes any such bicycle which has been stolen from a dealer or distributor and returned to him, regardless of whether or not it was sold or used between the date it was stolen and the date of its return, and includes any bicycle acquired for use pursuant to an Authorization issued prior to July 9, 1942, or pursuant to a certificate issued under § 1391.7 (b), but does not include a rental bicycle.

(15) "Transfer" means sale, lease, trade, loan, gift, delivery, shipment, change of ownership or title or physical possession; conversion to use of a new adult bicycle held for sale whether or not a change of ownership or possession is involved; construction from a new adult bicycle held for sale of any type of vehicle, including, but not limited to, a three-wheeled or a motor vehicle; alteration of the frame of a new adult bicycle or disassembly of a new adult bicycle and transfer or use of the parts resulting from such disassembly.

Restriction on Transfers

§ 1391.4 *Restriction on transfers.* Notwithstanding the terms of any contract, agreement, commitment, or other obligation, regardless of when made, no person shall make or accept a transfer as defined in § 1391.1 (a) (15) except in accordance with the provisions of Revised Ration Order No. 7.

§ 1391.5 *Transfers not restricted.* The following transfers of new adult bicycles are not restricted: * * *

(c) Physical delivery or lease of such a bicycle by a person who acquired it for use pursuant to a certificate issued under paragraph (b) of § 1391.7 or pursuant to an authorization issued prior to July 9, 1942, or by his agent, to an officer, agent, employee, or volunteer worker for whose use he was authorized to acquire the bicycle, or return of such bicycle to such person; * * *

¹ 17 FR. 5064.

(g) Transfers to any person for the use of his officers, agents, employees or volunteer workers, or to dealers for sale, pursuant to a WPB order, or an authorization or a certification, issued prior to July 9, 1942: *Provided, however*, That no transfer shall be made to a dealer under this paragraph (g) unless the Office of Price Administration has certified to the transferor that the dealer has filed OPA Form R-701 with the OPA Inventory Unit.

(h) Transfers for use as part of the entire assets of the business of a person who acquired such bicycle for use pursuant to an authorization issued prior to July 9, 1942 or pursuant to a certificate issued under § 1391.7 (b).

Transfers for Use or Salvage

§ 1391.7 *Eligibility for certificates.* Subject to the quota provisions of Revised Ration Order No. 7, any of the following persons may obtain a certificate:

(b) Any person may obtain a certificate authorizing the acquisition of new adult bicycles for the use of such person's officers, agents, employees or volunteer workers who, individually or collectively, satisfy the requirements of paragraph (a) of this section: *Provided, however*, That no person may obtain a certificate under this paragraph (b) who has, since April 2, 1942, sold or otherwise disposed of a bicycle which was adequate for the purpose for which a new adult bicycle is sought unless such sale or disposition was in exchange for a certificate, authorization, WPB order, or a Part B thereof, or at the time of such sale or disposition he was not engaged in work or an occupation mentioned above or he did not need the bicycle.

§ 1391.13 *Surrender of certificates.* (a) A certificate which has not been used by the person to whom it was issued within 30 days after issuance shall be surrendered to the Board which issued it or to the Office of Price Administration, if issued by it.

Transfers for Resale

§ 1391.26 *Use by dealers and distributors of authorizations, and Parts B of certificates, authorizations, and WPB orders.* (a) A dealer or distributor who has transferred a new adult bicycle pursuant to a certificate or a WPB order, issued on or after July 9, 1942, or to another dealer or distributor pursuant to an authorization issued on or after July 9, 1942, and who has completed and forwarded Part A of such certificate, authorization, or WPB order, as required, may acquire, from a transferor, a new adult bicycle for purposes of sale, upon completion of Part B of such certificate, authorization, or order, and surrender thereof to such transferor.

Enforcement

§ 1391.32 *Unlawful use or possession.* It shall be unlawful for any person who

has accepted a transfer of a new adult bicycle or any part resulting from such transfer as defined in § 1391.1 (a) (15), in violation of Revised Ration Order No. 7, or amendments thereto, to have in his possession or under his control such new adult bicycle or part.

Effective Dates

§ 1391.37 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1391.1 (a) (6), (a) (11), (a) (15), 1391.4, 1391.5 (c), (g), (h), 1391.7 (b), 1391.13 (a), 1391.26 (a), 1391.32) to Revised Ration Order No. 7 shall become effective August 1, 1942.

(Pub. Law 421, 77th Cong., 2d sess., W.P.B. Directive No. 1, Supplementary Directive No. 1G, 7 F.R. 562, 3546)

Issued this 28th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7276; Filed, July 28, 1942;
12:10 p. m.]

PART 1410—WOOL

[Amendment 3 to Maximum Price Regulation 163¹]

WOOLEN AND WORSTED CIVILIAN APPAREL
FABRICS

ADJUSTABLE PRICING

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new § 1410.118 is added to read as set forth below:

§ 1410.118 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In appropriate situations, where a petition for amendment or for adjustment or exception requires extended consideration, the Price Administrator may, upon application or his own motion, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1410.117 *Effective dates of amendments.* * * *

(d) Amendment No. 3 (§ 1410.118) to Maximum Price Regulation No. 163 shall become effective July 29, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 28th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7288; Filed, July 28, 1942;
4:54 p. m.]

* Copies may be obtained from the Office of Price Administration.

¹ 7 F. R. 4513, 4733, 4734.

PART 1356—COOKERS AND HEATERS

[Amendment 2 to Revised Price Schedule 64¹]

DOMESTIC COOKING AND HEATING STOVES

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (a) of § 1356.1 is amended to read as set forth below:

§ 1356.1 *Maximum prices for stoves.*

(a) *Stoves offered for sale during the period January 15—June 1, 1941, inclusive—(1) In general.* The maximum price for any stove, other than a private brand stove, identical with a stove offered for sale by the manufacturer during the period January 15—June 1, 1941, inclusive (or differing therefrom only by such changes in specifications as are authorized in § 1356.4), shall be 112% of the lowest net price quoted by him during such period for the sale of such stove, to the same purchaser or to a purchaser in the same general class, except as set forth in the succeeding subparagraphs of this paragraph (a).

(2) *Renown Stove Company.* In the case of the Renown Stove Company, the maximum prices for models 1005—Cameo, 1015—Cameo, 1105—Crest, and 1115—Crest, shall be the prices in effect on February 2, 1942.

(3) *Indianapolis Stove Company.* In the case of the Indianapolis Stove Company, the maximum prices shall be 105% of those provided in subparagraph (1) of this paragraph (a).

§ 1356.13 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1356.1) to Revised Price Schedule No. 64 shall become effective August 3, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 29th day of July 1942.

LEON HENDERSON,
Administrator.

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PART 1499—COMMODITIES AND SERVICES

[Maximum Price Regulation 188]

MANUFACTURERS' MAXIMUM PRICES FOR SPECIFIED BUILDING MATERIALS AND CONSUMERS' GOODS OTHER THAN APPAREL

The General Maximum Price Regulation² provides, in general, that commodities sold by a manufacturer shall be priced at the price of a same or similar article sold during March, 1942; and lacking the price of a same or similar article, at a price to be determined by the seller after specific authorization by the Office of Price Administration in ad-

¹ 7 F.R. 1329, 1836, 2000, 2133, 4404.

² 7 F.R. 3153, 3330, 3666, 3990, 3991, 4330, 4487, 4659, 4738, 5028, 5027, 5276, 5192, 5305, 5445, 5484.

vance of the offering of the commodity for sale.

In the case of a considerable list of building materials and consumers' goods at the manufacturers' level, so many new articles which are not "similar" to an already sold article within the meaning of the General Maximum Price Regulation are customarily offered for sale as unnecessarily to retard manufacturers in their pricing.

This Maximum Price Regulation No. 188, accordingly, sets forth for these manufacturers a different procedure than that used in the General Maximum Price Regulation, although the base date thereof is preserved. By eliminating pricing by the price of a similar article, it limits the number of articles which may be priced at the maximum price of another article. But in the pricing of most new articles the manufacturer may follow self-executing pricing methods which obviate advance resort to this Office.

In the judgment of the Price Administrator, the maximum prices established by this Regulation are necessary to check inflation and to effectuate the purposes of the Emergency Price Control Act of 1942, and to adjust the provisions of the General Maximum Price Regulation to the particular circumstances of manufacturers of certain building materials and consumers' goods.

The statement of considerations involved in the issuance of this Maximum Price Regulation No. 188 is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,² issued by the Office of Price Administration, Maximum Price Regulation No. 188 is hereby issued:

AUTHORITY: §§ 1499.151 to 1499.166, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong.

§ 1499.151 *Applicability of the General Maximum Price Regulation.*³ The provisions of §§ 1499.1 to 1499.3, inclusive, of the General Maximum Price Regulation shall not apply to sales or deliveries by manufacturers of certain building materials and of certain consumers' goods set forth in § 1499.166, Appendix A, of this Maximum Price Regulation No. 188. All other sections of the General Maximum Price Regulation, together with existing and subsequent amendments and supplementary regulations, shall apply to sales and deliveries by such manufacturers, and are hereby incorporated by reference into this Maximum Price Regulation No. 188.

§ 1499.152 *Prohibition against dealing in certain articles of building materials and consumers' goods above maximum prices.* (a) On and after August 1, 1942, regardless of any contract or other obligation:

(1) No manufacturer shall sell or deliver any article set forth in Appendix A (§ 1499.166) of this Maximum Price Reg-

ulation No. 188 at a price higher than the maximum price permitted by this Maximum Price Regulation No. 188; and

(2) No person in the course of trade or business shall buy or receive any such article from a manufacturer at a price higher than the maximum price permitted by this Maximum Price Regulation No. 188:

Provided, That in the case of articles for which a maximum price has been established under §§ 1499.156 or 1499.157 of this Maximum Price Regulation No. 188, if the purchaser shall receive from the seller a written affirmation that the seller has calculated the maximum price for the article in accordance with § 1499.156 or § 1499.157 and has filed a report with the Office of Price Administration and complied with the waiting provisions of § 1499.156 or § 1499.157 and if in such case the purchaser shall have no knowledge of the maximum price and no cause to doubt the accuracy of the affirmation, and provided the price paid is not in excess of the maximum price as affirmed by the seller, the purchaser shall have complied with this section.

(b) The provisions of paragraph (a) (2) of this section shall not be applicable to any war procurement agency or any contracting officer thereof, and any such contracting officer or any paying finance officer shall be relieved of any and every liability, civil or criminal, imposed by this Maximum Price Regulation No. 188 or by the Emergency Price Control Act of 1942.

(c) On and after August 1, 1942, no manufacturer shall sell (including an offer for sale) or deliver any article set forth in Appendix A (§ 1499.166) of this Maximum Price Regulation No. 188 for which a maximum price must be determined under §§ 1499.156, 1499.157, or 1499.158 until he has complied with the reporting and waiting provisions of the applicable one of those three sections.

§ 1499.153 *Maximum prices for articles of building materials and consumers' goods finally priced before August 1, 1942—(a) Articles priced in March 1942.* The maximum price for any article which was delivered or offered for delivery in March, 1942, by the manufacturer, shall be the highest price charged by the manufacturer during March, 1942 (as defined in § 1499.163), for the article.

(b) *Articles priced on and after April 1, 1942 and before August 1, 1942.* The maximum price for any article not delivered or offered for delivery in March 1942 by the manufacturer, for which a maximum price was finally determined in accordance with the provisions of § 1499.2 or § 1499.3 of the General Maximum Price Regulation¹ or in accordance with the provisions of Temporary Maximum Price Regulations Nos. 3² or 5,⁴ and which was offered for sale before August 1, 1942, shall be the price so determined.

(c) *Reports of maximum prices.* On or before August 20, 1942, the manufacturer shall report to the Office of Price Administration, Washington, D. C., all maximum prices determined under paragraph (b) of this section which have not

already been reported in accordance with the provisions of the General Maximum Price Regulation or Temporary Maximum Price Regulations Nos. 3 or 5. Such reports shall contain a description of the article, and shall indicate the method of determining the maximum prices. All such maximum prices shall be subject to adjustment (not to apply retroactively) at any time upon written order of the Office of Price Administration.

§ 1499.154 *Maximum prices for articles of building materials and consumers' goods not finally priced before August 1, 1942.* This section shall apply to articles first offered for sale before August 1, 1942, for which no maximum price was finally determined, and to all articles first offered for sale on or after August 1, 1942.

The maximum price for any such article shall be the price determined by the first one of the four methods set forth in §§ 1499.155, 1499.156, 1499.157, and 1499.158 which applies to the article.

§ 1499.155 *First pricing method—minor changes.* The maximum price of any article differing from any article for which a maximum price has already been established, only by reason of minor changes in material, design, or construction which do not reduce cost of materials or prevent its offering fairly equivalent serviceability shall be the maximum price of the article already priced.

§ 1499.156 *Second pricing method: changes necessitated by shortages of materials or parts—(a) Maximum prices.* The maximum price of any article which cannot be priced under § 1499.155 and which differs from an article for which a maximum price has already been established, only because of changes necessitated by shortage of materials or parts used in the original article, shall be the maximum price of the original article adjusted by adding or subtracting the increase or decrease in unit direct cost resulting from the changes.

In calculating unit direct cost for the original article, the manufacturer shall compute on the basis of the wage rates, material prices, and operating conditions provided in paragraph (b) of § 1499.157 for comparable articles. In calculating unit direct cost for the changed article the manufacturer shall compute on the basis of the wage rates, material prices, and operating conditions provided in paragraph (b) of § 1499.157 for the article being priced.

(b) *Reports of maximum prices—(1) Articles first offered for sale before August 1, 1942.* In the case of an article first offered for sale before August 1, 1942, for which a maximum price must be determined under this section, the manufacturer shall report the maximum price as computed by him to the Office of Price Administration, Washington, D. C., on or before August 20, 1942. The report shall contain a description of the original and of the changed article, a detailed explanation of the changes made (including any innovation in manufacturing process) and the reasons therefor, details of the computation of unit direct cost and of the maximum price.

At any time prior to September 4, 1942, the manufacturer may offer for sale, sell or deliver the article at a tentative price

*Copies may be obtained from Office of Price Administration.

¹ *Supra*, note 1.

² 7 F.R. 971, 3663.

³ 7 F.R. 1578.

⁴ F.R. 1647.

if he informs the purchaser that the maximum price must be determined under this section. In such case he must refund any amounts collected in excess of the price so determined. Fifteen days after mailing the report, in the absence of a contrary direction from the Office of Price Administration, he may offer for sale or complete the sale of the article at the price reported. Such price shall be subject to adjustment (not to apply retroactively) at any time upon the written order of the Office of Price Administration.

(2) *Articles first offered for sale during August, 1942.* In the case of articles first offered for sale during August 1942, the manufacturer shall submit the report required in (1) on or before September 10, 1942.

At any time prior to September 25, 1942, the manufacturer may offer for sale, sell, or deliver the article at a tentative price if he informs the purchaser that the maximum price must be determined under this section. In such case he must refund any amounts collected in excess of the maximum price so determined. Fifteen days after mailing the report, in the absence of a contrary direction from the Office of Price Administration, he may offer for sale or complete the sale of the article at the price reported. Such price shall be subject to adjustment (not to apply retroactively) at any time upon the written order of the Office of Price Administration.

(3) *Articles first offered for sale on or after September 1, 1942.* In case of an article first offered for sale on or after September 1, 1942, the manufacturer shall submit to the Office of Price Administration, Washington, D. C., the report required in (1) prior to first offering the article for sale. Fifteen days after the mailing of the report, in the absence of a contrary direction from the Office of Price Administration, the manufacturer may offer for sale the article at the price reported. Such price shall be subject to adjustment (not to apply retroactively) at any time upon the written order of the Office of Price Administration.

§ 1499.157 *Third pricing method: pricing by comparable articles.* The maximum price of any article which cannot be priced under § 1499.155 or § 1499.156 and which is comparable to an article currently being sold by the manufacturer for which a maximum price has already been established, shall be the price derived by the pricing formula set forth in this section.

NOTE.—The meaning of certain terms used in this section is further explained in subsequent provisions of the section. The terms so explained are in quotation marks the first time that they appear in the text.

(a) *Pricing formula.* To establish a maximum price the manufacturer shall:

(1) Determine the "unit direct cost" for the article being priced.

(2) Select from his line of "comparable articles" currently being sold for

which maximum prices have already been established, two comparable articles: the one which has a unit direct cost immediately higher and the one which has a unit direct cost immediately lower than the unit direct cost of the article being priced. If a comparable article has the same unit direct cost as the article being priced, it shall be selected in addition to the comparable articles immediately above and below. If all comparable articles are either above or below, the one

closest in unit direct cost shall be selected.

(3) Determine both the average percentage and the average dollar mark-up over unit direct cost for the comparable articles selected.

(4) Apply to the unit direct cost of the article being priced either the average percentage or the average dollar mark-up, whichever will yield the lower price. The resulting price shall be the maximum price.

(Example of the above computation)

Unit direct cost of article being priced = \$9.00

| Unit direct costs of comparable articles selected according to (2) | Maximum selling price for each such article | Dollar mark-up for each such article | Average percentage mark-up for such articles |
|--|---|--------------------------------------|--|
| \$10.00 7.00 | \$14.00 9.00 | \$4.00 2.00 | \$23.00 (Sum of maximum prices). -17.00 (Sum of unit direct costs). |
| 17.00 | 23.00 | 6.00+2=\$3.00 | 6.00÷\$17.00=35.3% |

Unit direct cost+average percentage mark-up=\$9.00+\$3.18=\$12.18.

Unit direct cost+average dollar mark-up=\$9.00+\$3.00=\$12.00.

Maximum selling price of article being priced (the lower of above two sums)=\$12.00.

In applying the formula, the manufacturer shall determine the class of purchaser to which he expects to sell the largest volume of the article being priced. In calculating the mark-up over unit direct cost for the comparable articles selected he shall use the maximum prices for such articles applicable to the same class of purchaser as that determined for the article being priced. If a comparable article does not have such a maximum price, he shall make appropriate adjustments of his established maximum price for the comparable article to obtain such a maximum price. The maximum price derived by the formula for the article being priced shall be the maximum price applicable to such largest volume class of purchaser. It shall be adjusted for other classes of purchasers according to § 1499.159.

(b) *Computation of unit direct cost.* To establish the unit direct cost of the comparable articles and of the article being priced, the manufacturer shall compute the cost per unit of direct labor and materials on the basis of the following wage rates, material prices, and operating conditions:

(1) *Wage rates.* The wage rates applicable to any article shall be the highest wage rates, in effect in the manufacturer's plant for any substantial portion of March, 1942, for each class of labor involved in the production of the article. If the manufacturer did not employ a given class of labor in March, 1942, he shall use the highest wage rate paid for any substantial portion of March 1942, by the nearest employer operating under comparable conditions who employed that class of labor during that month.

(2) *Material prices.* (i) *Comparable articles.* If a comparable article was priced and offered for sale before August 1, 1942, the price of any material used in it shall be the highest price charged during March 1942 (as defined in

§ 1499.163) by the "manufacturer's supplier."

If the comparable article was priced and first offered for sale on or after August 1, 1942, the price of any material used in it shall be computed as above, unless (a) the Office of Price Administration has established a lower maximum price for the sale of the materials to the manufacturer by his supplier, and (b) such lower price was used in calculating the maximum selling price for the comparable article (under § 1499.156 or of this section); in that event such lower price shall be the price of the material.

(ii) *Articles being priced.* The price of any material used in the article being priced shall be the highest price charged during March 1942 (as defined in § 1499.163) by the manufacturer's supplier; except that if the Office of Price Administration has established a lower maximum price for the sale of the material to the manufacturer by his supplier, such lower price shall govern.

(iii) *Manufacturer's supplier.* The manufacturer's supplier shall be (a) his March, 1942, supplier of the material, or (b) lacking a March, 1942 supplier of the material, his most recent supplier of the material. If neither of these exists, it shall be his potential supplier.

(3) *Operating conditions.* Using the wage rates and material prices determined under (1) and (2), the manufacturer shall compute the cost per unit of direct labor and materials for an article according to the methods customarily employed by him in computing his cost. For comparable articles he shall compute on the basis of productive techniques employed in his plant and of the actual volume of production prevailing during the most recent period in which the comparable article was produced prior to the time of mailing the report required by paragraph (e) of this section. For the article being priced he shall compute on the basis of productive techniques

employed in his plant at the time of mailing such report and on the basis of the volume of production he reasonably expects.

(c) *Computation of mark-up*—(1) *Percentage.* The average percentage mark-up over unit direct costs shall be calculated by computing the percentage mark-up between the sum of the unit direct costs and the sum of the maximum prices of the comparable articles selected.

(2) *Dollar mark-up.* The average dollar mark-up over unit direct cost shall be calculated by averaging the individual dollar mark-ups between the unit direct costs and the maximum prices of the comparable articles selected.

(d) *Comparable articles.* An article shall be deemed comparable to another article which although differing therefrom by more than minor changes within the meaning of § 1499.155 of this Maximum Price Regulation No. 188, has the same general use as the other article and is recognized by the industry as being the same general type of product, even though different materials and construction are used.

(e) *Reports of maximum prices*—(1) *Articles first offered for sale before August 1, 1942.* In the case of an article first offered for sale before August 1, 1942, for which a maximum price must be determined under this section, the manufacturer shall report the maximum price as computed by him to the Office of Price Administration, Washington, D. C., on or before August 20, 1942. The report shall contain a description of the article being priced and of any innovation in manufacturing process involved and an explanation of the computation of the cost and the maximum price. It shall also describe each of the comparable articles, giving for each the maximum prices for all classes of purchasers and, if practicable, the volume of production for the three calendar months immediately preceding the filing of the report.

At any time prior to September 4, 1942, the manufacturer may offer for sale, sell, or deliver the article at a tentative price if he informs the purchaser that the maximum price must be determined under this section. In such case he must refund any amounts collected in excess of the price so determined. Fifteen days after mailing the report, in the absence of a contrary direction from the Office of Price Administration, he may offer for sale or complete the sale of the article at the price reported. Such price shall be subject to adjustment (not to apply retroactively), at any time upon the written order of the Office of Price Administration.

(2) *Articles first offered for sale during August, 1942.* In the case of articles first offered for sale during August, 1942, the manufacturer shall submit the report required in (1) on or before September 10, 1942.

At any time prior to September 25, 1942, the manufacturer may offer for sale, sell, or deliver the article at a tentative price if he informs the purchaser

that the maximum price must be determined under this section. In such case he must refund any amounts collected in excess of the maximum price so determined. Fifteen days after mailing the report, in the absence of a contrary direction from the Office of Price Administration, he may offer for sale or complete the sale of the article at the price reported. Such price shall be subject to adjustment (not to apply retroactively) at any time upon the written order of the Office of Price Administration.

(3) *Articles first offered for sale on or after September 1, 1942.* In case of an article first offered for sale on or after September 1, 1942, the manufacturer shall submit to the Office of Price Administration, Washington, D. C., the report required in (1) prior to first offering the article for sale. Fifteen days after the mailing of the report, in the absence of a contrary direction from the Office of Price Administration, the manufacturer may offer for sale the article at the price reported. Such price shall be subject to adjustment (not to apply retroactively) at any time upon the written order of the Office of Price Administration.

§ 1499.158 *Fourth pricing method—specific authorization by the Office of Price Administration*—(a) *Maximum prices.* The maximum price for any article which cannot be priced under §§ 1499.155, 1499.156, or 1499.157, or which cannot be priced under §§ 1499.155, 1499.156, or 1499.157 without undue hardship, shall be the price, in line with the level of maximum prices established by this Maximum Price Regulation No. 188, specifically authorized by the Office of Price Administration.

(b) *Reports of maximum prices.* Prior to first offering the article for sale the manufacturer shall submit to the Office of Price Administration, Washington, D. C., a report applying for specific authorization of a maximum price. The report shall contain a description in detail of the article (including the manufacturing process), a statement of the facts which make it necessary to price the article under this section, and the proposed maximum price, with a detailed explanation of its computation. If the manufacturer bases his report on undue hardship, he shall include in it all the information required by paragraph (e) of § 1499.157. Upon receipt of the authorization, the manufacturer may offer the article for sale in accordance with the terms of the authorization.

§ 1499.159 *Price differentials and economies effected by new or changed articles*—(a) *Price differentials.* Every manufacturer shall continue all his allowances, discounts, and other price differentials in effect in March, 1942. In the case of articles priced under §§ 1499.155, 1499.156, 1499.157, or 1499.158 of this Maximum Price Regulation No. 188, every manufacturer shall in the case of sales to different classes of purchasers adjust the maximum prices determined for one general class of purchaser to

reflect all allowances, discounts, and other price differentials which he was accustomed to make on that type of article.

(b) *Economies effected by new or changed articles.* Wherever after the introduction of a new or changed article the manufacturer realizes savings in indirect costs and expenses because of its introduction, the Office of Price Administration will by order require that such economies be reflected in the maximum price for such new or changed article. Wherever possible, such savings should be indicated in the reports required by §§ 1499.156, 1499.157 and 1499.158.

§ 1499.160 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 188 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to, an article of building material or consumers' goods, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1499.161 *Applications for adjustment and petitions for amendment*—(a) *Applications for adjustment.* (1) The Office of Price Administration, or any duly authorized officer thereof, may by order adjust the maximum price established under this Maximum Price Regulation No. 188 for any seller other than a seller at retail in any case in which such seller shows:

(i) That such maximum price causes him substantial hardship and is abnormally low in relation to the maximum prices established for competitive sellers of the same or similar commodities; and

(ii) That establishing for him a maximum price bearing a normal relation to the maximum prices established for competitive sellers of the same or similar commodities, will not cause or threaten to cause an increase in the level of retail prices.

Applications for adjustment under this subparagraph (1) shall be filed in accordance with Procedural Regulations No. 1.²

(2) Any person seeking relief, for which no provision is made in the foregoing subparagraph (1) of this section, from a maximum price established under this Maximum Price Regulation No. 188 may present the special circumstances of his case in an application for an order of adjustment. Such an application shall be filed in accordance with Procedural Regulation No. 1² and shall set forth the facts relating to the hardship to which such maximum price subjects the applicant together with a statement of reasons why he believes that the granting of relief in his case and in all like cases will not defeat or impair the policy of the Emergency Price Control Act of 1942 and of this Maximum Price Regulation No. 188 to eliminate the danger of inflation.

(b) *Petitions for amendment.* Any person seeking a modification of any pro-

vision of this Maximum Price Regulation No. 188 (other than an adjustment provided by paragraph (a)) may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1^a issued by the Office of Price Administration.

§ 1499.162 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 188 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 188 or any price schedule, regulation or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation are urged to communicate with the nearest district, state, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1499.163 *Definitions.* (a) When used in this Maximum Price Regulation No. 188, the term:

(1) "Article" means any building material or consumers' good set forth in Appendix A (§ 1499.166) which is manufactured or sold as a distinct item.

(2) "Highest price charged during March, 1942" means

(i) The highest price which the manufacturer charged to a purchaser of the same class for delivery of the article or material during March, 1942; or

(ii) If the manufacturer made no such delivery during March, 1942, such manufacturer's highest offering price to a purchaser of the same class for delivery of the article or material during that month.

(3) "Manufacturer" means a person operating an establishment which produces, fabricates, finishes, or assembles a building material or consumers' goods.

(4) "Purchaser of the same class" and "class of purchaser" refers to the practice adopted by the seller in setting different prices for commodities for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or under different conditions of sale.

§ 1499.164 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 188 shall be applicable to the forty-eight states and the District of Columbia.

§ 1499.165 *Effective date.* This Maximum Price Regulation No. 188 (§§ 1499.151 to 1499.166, inclusive) shall become effective August 1, 1942, for all sales and deliveries except sales and deliveries to the United States or any agency thereof, or to the Government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United

States," or any agency of any such Government. For such sales and deliveries it shall become effective September 1, 1942.

§ 1499.166 *Appendix A: Articles covered by the regulation.* The following articles of building materials and consumer goods shall be covered by this Maximum Price Regulation No. 188:

NOTE: The articles listed below are not intended to include (a) any commodity subject to a specific Maximum Price Regulation or Price Schedule in effect on August 1, 1942, or issued any time thereafter, or (b) any commodity exempted from the General Maximum Price Regulation by any supplementary regulation thereto, in effect on August 1, 1942, or issued any time thereafter. Since the designations of some articles are broad enough in certain instances to suggest that articles are included which are intended to be excluded, other regulations which might be applicable to the article or type of article have been indicated. Manufacturers selling articles listed below should, before pricing their products in accordance with this Regulation, determine whether specific price regulations or regulations supplementary to the General Maximum Price Regulation have been issued subsequent to the date of this Regulation with respect to the articles so listed.

(a) Building materials—

(1) Mechanical building materials and equipment:—

(i) Heating and winter air conditioning: Boilers—Steam and hot water:

Cast iron and steel firebox (except industrial boilers covered by Maximum Price Regulation No. 136, as amended).

Furnaces, heating, warm air:

Cast iron.

Steel.

Floor.

Unit heaters, steam and hot water.

Coils, extended surface, finned, etc.

Radiation:

Cast iron.

Convectors.

Burners:

Coal stokers (except those having a capacity of 1,200 lbs. per hr. or more covered by Maximum Price Regulation No. 136, as amended).

Gas (except industrial, covered by Maximum Price Regulation No. 136, as amended).

Oil (except those burning No. 6 oil and heavier covered by Maximum Price Regulation No. 136, as amended).

Domestic fuel oil storage tanks—above ground installation (except those covered by Revised Price Schedule No. 96).

Heat regulators for domestic use.

(ii) Plumbing:

Plumbing fixtures.

Plumbing fixture fittings:

Faucets, waste connection, etc.

Water heaters.

Hot water storage tanks.

Plumbing specialties:

Drains, ferrules, accessories, etc.

Sprinkler system equipment.

Water filtering and treating equipment, domestic.

Cast iron pressure pipe and fittings.

Cast iron soil pipe and fittings (except as covered by Revised Price Schedule No. 100, as amended).

(iii) Valves and fittings:

Hand valves and pipe and tubing fittings, regardless of material.

Steam and hot water heating specialties.

S. A. E. valves and fittings.

(iv) Commercial refrigeration and summer air conditioning:

Compressors under 25 tons or 25 horsepower. Coils (except where covered by Maximum Price Regulation No. 136, as amended).

Boxes (over 16 cu. ft. capacity) and cases. Units (over one horsepower portable air conditioners).

Drinking water coolers.

Specialties.

Unit coolers.

(v) Miscellaneous building equipment:

Hardware:

Refrigerator.

Showcase.

Builders (except Revised Price Schedule No. 40).

Metal weatherstrip.

Metal sash.

Air distribution ductwork.

Metal doors.

Timber connectors.

Flashing and valleys.

Ornamental iron work.

Air distribution outlets:

Registers.

Grilles.

Diffusing outlets.

Gutters, downspouts, ridge rolls and similar outside metal building products.

Skylights.

Ventilators, sheet metal.

Enameled iron and steel sheets and shapes.

(2) Masonry and construction materials:

Cement.

Concrete products:

Building blocks and brick.

Cast shapes and cast stone.

Tile and tiling.

Sewer and culvert pipe.

Drain tile.

Posts, piles, and cribbing.

Grave vaults, septic tanks.

Structural clay products:

Brick and hollow tiles, glazed and unglazed.

Sand line brick.

Clay tile roofing.

Clay drain tile.

Vitrified clay sewer pipe.

Tile:

Wall.

Floor.

Quarry.

Terra cotta.

Refractories:

Fireclay refractories.

Silica refractories.

Basic refractories (except Revised Price Schedule No. 75).

Special refractories.

High temperature mortars.

Dead burned dolomite.

Caustic calcined magnesite.

Chemical stoneware.

Chemical porcelain.

Gypsum:

Crude.

Calcined gypsum plaster.

Lime:

Lime plasters.

Sand and gravel.

Slag.

Crushed stone:

Construction.

Metallurgical.

Chemical.

Light weight aggregates.

Cinders.

Ready-mixed concrete.

State:

Structural slabs.

Electric.

Roofing.

Granules and flour.

Dimension stone:
Limestone.
Granite.
Marble.
Sandstone.
Basalt.
Other stone.
Clays (merchant):
Kaolin or china clay.
Slip clays.
Ball clay.
Fire clay.
Stoneware clay.
Bentonite.
Fullers earth.
Miscellaneous and common, including shale.
Talc, steatite, soapstone and pyrophyllite.
Oil paints and varnishes:
Ready mixed paints of all types (interior and exterior).
Paste and semi-paste paints.
Putty.
Fillers.
Oil, varnish and spirit stains.
Paint and varnish remover.
Colors-in-oil.
White lead in oil.
Zinc white in oil.
Marine paints.
Artists colors.
Aqueous (water) paints.
Paint and varnish brushes and applicators.
(3) *Insulating board, roofing materials, and glass:*
(i) Asphalt and tarred roofing products.
Roll roofing.
Siding.
Shingles.
Roofing coatings and cements.
Asphalt and tarred felts.
Slaters felts.
Asphalt and tarred roofing (except Revised Price Schedule No. 45).
(ii) Insulated asphalt brick siding.
(iii) Asphalt floor tiles.
(iv) Asbestos cement building materials:
Shingles.
Siding.
Flat sheets.
Corrugated sheets.
Wallboard.
Tile.
Insulating asbestos board.
Asbestos cement pipe.
(v) Glass products:
Plate.
Window.
Laminated.
Rolled and figured (except Maximum Price Regulation No. 175).
Wired.
Heat-resisting.
Colored sheet and opalescent.
Structural sheets.
Structural blocks.
Foam glass.
(vi) Gypsum board:
Wallboard.
Lath.
Sheathing.
Liner board.
Tile.
Joint system's.
(vii) Fibre boards:
Wallboard.
Display board.
Tile board.
Shaped board.
(viii) Insulation board:
Wallboard.
Sheathing.

Plank and tile.
Roof insulation.
Acoustical.
Industrial.
(ix) Masonite board:
"Presdwood."
"Tempr presdwood."
"Temprtile."
"Quartboard."
"Deluxe quartboard."
"Industrial presdwood."
(x) Decorated tile board:
Plain.
Tile.
Mouldings.
(xi) Wool insulation:
Rock wool:
Batts.
Blanket.
Loose.
Granulated.
Glass wool:
Batts.
Blankets.
Loose.
Granulated.
(xii) Pipe and boiler insulations:
Asbestos-cement.
85% magnesla.
(xiii) Metal lath and lath accessories.
(b) Consumer's goods.
(1) *Bedding:*
Mattresses and Mattress pads.
Bedsprings, including boxsprings, coil bedsprings and flat bedsprings, but not including coil and flat bedsprings with non-steel frames.
Double duty sleep equipment, including studio couches, sofa beds, lounges, chair beds, love seats and sliding couches.
Cots.
Pillows.
Feathers and down.
Sisal pads.
Sleeping bags.
Innerspring units for upholstering purposes.
Upholstering coils and bedspring metal fabrics.
Inner constructions for boxsprings, studio couches and all double duty sleep equipment.
(2) *Equipment and supplies:*
Artists' supplies.
Beauty parlor and Barber shop furniture fixtures and equipment.
Ecclesiastical ware.
Funeral supplies and appurtenances.
Laboratory, hospital and professional fixtures.
Office furniture fixtures and sales.
Office machines and equipment (Manual and Electric).
Restaurant furniture, fixtures and equipment.
School and office supplies, other than paper.
Scientific and technical instruments—apparatus and supplies (Except Maximum Price Regulation No. 136, as amended).
Store machines, fixtures, and equipment.
(3) *Floor Coverings.* All floor coverings, except terry cloth bath mats, and wool floor coverings subject to Revised Price Schedule No. 57.
(4) *Furniture.* All types of furniture manufactured from any material for any purpose, to be used in any location, and any other articles made to serve the functional purposes of furniture.
(5) *Hardware, tools and appliances:*
(i) Carpenters Tools (except Maximum Price Regulation No. 136, as amended):
Saws.

Chisels.
Hammers.
Hatchets.
Planes.
Non-mechanical rules and tapes.
Etc.
Auger bits and braces.
Hand drills.
Levels.
Squares.
Miter boxes.
Screw drivers.
(ii) Mechanics tools (except Maximum Price Regulation No. 136, as amended):
Anvils.
Crow bars.
Wrecking bars.
Pinch bars.
Blow torches and fire pots.
Bench grinders.
Hammers.
Wrenches.
Snips.
Hack saw frames.
Jacks and jack screws.
Lanterns.
Oilers.
Pliers.
Punches.
Tackle blocks.
Trowels.
Vices.
Handles, etc.
(iii) Farm and garden tools and supplies (except Maximum Price Regulation No. 136, as amended):
Axes.
Chain.
Corn planters.
Curry combs.
Singletrees.
Doubletrees.
Neck-yokes.
Handles.
Grass hooks.
Brush hooks.
Corn and cane knives.
Wheelbarrows.
Couplings and nozzles.
Hog scrapers.
Hog and bull rings.
Well wheels.
Huckers.
Post hole diggers and augers.
Pruning equipment.
Scythes and snaths.
Hedge grass and pruning shears.
Shovels.
Hand sprayers.
Steel goods.
Hose clamps, etc.
(iv) Coal miners tools (except Maximum Price Regulation No. 136, as amended):
Coal pick.
Pinch bar.
Auger.
Needle.
Tampers.
Wedge.
Carbide lamp, etc.
(v) Horse shoes and nails.
(vi) Ice tools:
Saws.
Tongs, etc.
(vii) Logging tools:
Cant hooks.
Peavies.
Pike poles, etc.
(viii) Stove and furnace pipe and elbows.
(ix) Saddlery hardware:
Buckles.
Loops.
Rings, etc.

(x) Heavy goods (except Maximum Price Regulation No. 136, as amended):

Sledges.
Hedges, etc.
Picks.
Mattocks.
Mauls.
Game traps.
Hand trucks and push carts (except Maximum Price Regulation No. 136, as amended).

(6) Household appliances, electrical and other.

Household sewing machines.
Ice refrigerators.
Air conditioning equipment (excluding built-in system).

Small electrical household appliances:

Heating appliances:

Bakers.
Boilers.
Broilers.
Buffet servers.
Casseroles.
Coffee makers.
Cookers.
Chafing dishes.
Driers (clothes and hair).
Heaters (space and immersion).
Hot plates, grills and table stoves.
Irons (curling).
Irons (flat).
Irons (waffle).
Kettles.
Heating pads.
Lighters (cigarette, etc.).
Percolators.
Ovens (portable).
Pressers (trouser and tie).
Roasters.
Sterilizers.
Toasters.
Vaporizers.
Warmers (bottle and plate).

Power appliances:

Freezers (ice cream, domestic).
Mixers and juice extractors.
Fans (ceiling, desk and bracket, pedestal).
Vibrators and exercisers.
Vaporizers and humidifiers.

(7) Housewares:

Cooking utensils.
Cutlery.
Cleaning supplies (mops, brooms, etc.).
Cabinets.
Bathroom equipment.
Fireplace equipment.
Galvanized-tin and painted tinware.
Kitchen tools and gadgets.
Woodenware and baskets.
Household and personal brushes.
Miscellaneous housewares—any articles generally classified as housewares not listed above.

(8) Kitchen equipment. Commercial and institutional kitchen equipment for use in hotels, restaurants, schools, hospitals, and similar establishments, including:
Ranges (except Supplementary Regulation No. 4 (as amended) to the General Maximum Price Regulation).

Broilers.
Automatic deep fat fryers.
Roasting ovens.
Steam jacketed kettles.
Baking ovens.
Steam tables.
Warming ovens.
Cabinets.
Mixers.
Choppers.
Slicing machines.
Hot plates and coffee urns.
Pantry and counter appliances, such as griddles.

(9) Marine hardware, boats, boat supplies, accessories and equipment.
Small boats and canoes.
Boat furniture.

Cabinet hardware (except Revised Price Schedule No. 40).
Cordage.

Deck and exterior hardware (except Revised Price Schedule No. 40).
Fastenings, bolts, screws, nails, tacks, etc., (except Maximum Price Regulation No. 147).

Fire fighting equipment (except fire-driven pumps covered by Maximum Price Regulation No. 136, as amended).
Flags, poles, sockets.
Ground tackle.

Life saving equipment.
Marine lights and equipment (except Maximum Price Regulation No. 136, as amended).
Navigating equipment (except Maximum Price Regulation No. 136, as amended).

Pipe and tube fittings.
Dismountable propulsion equipment.
Cars, paddles, and accessories.
Sailboat fittings.
Steering equipment.
Fenders and ring buoys.
Marine stoves, heaters, and refrigerators.

(10) Personal and household accessories.

(i) Household accessories, decorations and giftware (the following are illustrations, but not an all-inclusive list):
Artificial and preserved flowers, foliage, fruits, etc.

Baskets.
Bookends, wood and metal.
Music boxes.
Ornamental statuary.
Plaques.
Plaster work.
Wood carvings.
Screens, decorative, etc.

(ii) Notions (the following are illustrations, but not an all-inclusive list):

Buckles.
Buttons.
Clasps.
Fasteners, slide and snap.
Feathers and plumes.
Hooks and eyes.
Needles, hand, machine knitting, etc.
Pin cushions.
Pins, safety, straight, hat, bobby.
Shoetrees.
Thimbles.
Zippers.
Toilet sets.
Combs.
Vantities.
Compacts.
Military insignia.
Military buttons, etc.

(iii) Luggage:

Brief cases.
Club bags.
Dress trunks.
Fitted cases.
Overnighters.
Gladstones.
Hand trunks.
Hat and shoe boxes.
Sample cases.
Sample trunks.
Steamer trunks.
Suit cases.
Two suiters.
Wardrobe trunks.
Zipper bags.
Trunk boxes.

(iv) Glassware and Mirrors:

Art glass.
Artware and specialties.
Cutware.

Desk glassware:

Sponge.
Clip trays.
Ink wells.
Engraved ware.
Etch ware.
Glass hardware knobs.
Glass novelties.
Glass rods.
Glass tubing.
Glassware:
Hotel.
Bar.
Restaurant.
Soda fountain.
Lenses, and signal glass (except Maximum Price Regulation 136, as amended).
Illuminating glassware.
Kitchen ware.
Lamp chimneys.
Lantern globes.
Mirrors.
Oil lamps.
Tableware.
Technical and laboratory glassware.
Heat resisting and cooking glass.
Industrial glass:
Technical.
Scientific.
Laboratory.
Glass bottles and containers.

(v) Pottery:

Art pottery.
Stoneware.

(vi) Silverware:

Silverplated flatware (knives, forks, etc.).
Silverplated hollow-ware (pitchers, trays, etc.).
Sterling silver flatware.
Sterling silver hollow-ware.
Miscellaneous plated ware (chrome plate, nickel plate).

(vii) Jewelry:

Precious (gold-platinum-silver, etc.).
Non-precious (gold plated-gold filled, etc.).
(Except jewelry exempted from the General Maximum Price Regulation by the provisions of Amendment No. 9 to the General Maximum Price Regulation.)

Novelty:

Men's accessories:
Collar pins and buttons.
Cuff links.
Key chains.
Belt buckles.
Medals and badges.
Metal watch bands, etc.
Women's novelty jewelry:
Compacts and vanity cases.
Lockets.
Earrings, etc.

(viii) Clocks and Watches:

Clock cases, containers, guards.
Electric clocks (except Maximum Price Regulation 136, as amended).
Jewelers' tools.
Materials and parts.
Spring clocks:
Alarm.
Decorative.
Other.
Watch cases, containers, guards.
Watches:
Domestic.
Imported.
Jeweled.
Clock types.

(ix) Portable lamps and shades (other than industrial):

Boudoir.
Desk.
Floor lamps.
Lamp shades.
Novelty.
Table.

Torchier.
Wall lamp.

(x) Electric light bulbs (other than radio tubes—Miniature—Therapeutic):
Arc.
Carbon.
Fluorescent.
Gaseous.
Incandescent.

(xi) Pictures and picture frames and mirror frames:

Pictures:
Framed.
Unframed.

Frames:
Photograph.
Picture.
Mirror.

(xii) Optical goods (ophthalmic):

Optical glass.
Eye glass and spectacle cases.
Eye glass and spectacle frames and mountings.

Lenses for eye glasses and spectacles, white and colored.

Scientific optical instruments:
Microscopes and accessories.
Optical measuring instruments.
Other instruments.

Scientific refracting instruments for oculists and optometrists:

Ophthalmic chairs, stools, tables, etc.
Ophthalmic units.
Refracting units.

Diagnostic instruments for use by eye, ear, nose, and throat specialists.

Goggles:
Industrial.
Sun goggles.

Sun glasses.
Artificial eyes.

Binoculars.
Field glasses.
Opera glasses.
Telescopes.

Shooting glasses.
Contact lenses.
Prisms.
Magnifying glasses.

Loupes.
Readers.
Meteorological instruments

Barometers.
Hydrometers.
Thermometers. (For household, office, and advertising use only.)

Compasses.
Optical Rx Laboratory machinery and equipment.

(xiii) Smokers' articles (with the exclusion of tobacco, cigars, and cigarettes). The following are illustrations, but not an all-inclusive list:

Cigarette cases.
Cigarette and cigar holders, pipes, pouches, etc.
Pipe cleaners.
Cigarette lighters.

(xiv) Umbrellas:
Umbrellas.
Canes.

(xv) Miscellaneous:

Hair goods:
Wigs.
Toupees.
Braids.
Other.

(11) Radio, Phonograph, and Battery Equipment.

Non-electrical phonographs.
Phonograph accessories but not records.
Domestic radio accessories, but not radio parts.

(12) Unclassified.

Automotive seat coverings.
Cameras and photographic equipment and materials, except chemicals.

Dry Cell Batteries (except hearing aid batteries).

Fire extinguishers.

Flashlights.

Musical instruments.

Sporting goods (except such articles as may be covered by subsequent full seasonal regulations and except Supplementary Regulation No. 4 (as amended) to the General Maximum Price Regulation).

Toys and games (except such articles as may be covered by subsequent full seasonal regulations).

Issued this 29th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7326; Filed, July 29, 1942;
11:49 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Maximum Prices Under § 1499.3 (b) of the General Maximum Price Regulation, Order No. 49]

DOG OR CAT FOODS

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.3 (b) of the General Maximum Price Regulation, it is hereby ordered:

§ 1499.263 *Formula for determining maximum prices of certain new types of dog or cat foods by manufacturers.*

(a) Any manufacturer who formerly produced a wet dog or cat food packed in tin cans and who intends to produce and sell in its place a dehydrated or otherwise processed dry dog or cat food containing substantially the same ingredients as his former wet dog or cat food, and for which dry product he cannot determine his maximum price under § 1499.2 of the General Maximum Price Regulation, is hereby authorized to determine his maximum price for said dry dog or cat food by the following formula:

Each manufacturer shall compute his maximum price for a shipping case of such dry dog or cat food f. o. b. plant by: (1) dividing the average price f. o. b. plant (weighted according to volume) charged by him for a shipping case of the canned wet dog or cat food produced by him in largest volume during March, 1942 (or if no canned wet dog or cat food was produced by him during March, 1942, during the last full month canned wet dog or cat food was produced by him) by the actual cost of food ingredients and containers used for a shipping case of that dog or cat food during that month; and (2) multiplying the figure so obtained by a figure equal to the cost, based on average March 1942 prices, of the food ingredients and containers used in the manufacture of a shipping case of the dry dog or cat food (whether or not such dry dog or cat food was actually produced in March 1942).

*7 F.R. 3163, 3330, 3668, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5102, 5365.

The maximum price so determined shall be subject to discounts, allowances and terms no less favorable than those formerly given with respect to the canned wet dog or cat food, shall include commissions, advertising or other allowances and all other charges and shall not be increased by any charges for the extension of credit.

(b) Within ten days after any such maximum price has been determined, the manufacturer shall report such price to the Office of Price Administration in Washington, D. C. in writing, setting forth each of the figures used in paragraph (a) of this order and the actual computation of the maximum price. This writing must be accompanied by an affidavit that the costs and figures used in the computations are true and correct.

(c) If at any time after computing and reporting a maximum price under paragraph (a) of this order, a manufacturer shall change any of the food ingredients or the container used in this product, the manufacturer shall, within ten days after such change, recompute the maximum price for this product under the formula set out in paragraph (a) of this order. If such recomputation results in a figure which is more than ten cents (\$0.10) per shipping case lower than the prior maximum price, the manufacturer shall report and use this figure as his new maximum price as provided in paragraph (b) of this order. Nothing in this paragraph shall be construed to authorize any increase in any maximum price determined hereunder.

(d) Sellers of such dry dog or cat food, other than manufacturers, shall determine and report their maximum price for this new commodity under the provisions of § 1499.3 (a) of the General Maximum Price Regulation. The manufacturer shall so advise, in writing, all wholesalers, jobbers and retailers to whom he sells and he shall also require all wholesalers and jobbers to so advise, in writing, all retailers to whom they sell.

(e) This order No. 49 may be revoked or amended by the Office of Price Administration at any time.

(f) This order No. 49 (§ 1499.263) shall become effective July 30, 1942. (Pub. Law 421, 77th Cong.)

Issued this 29th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7323; Filed, July 29, 1942;
11:51 a. m.]

Chapter XV—Board of War Communications

[Order No. 15]

PART 1714—INTERNATIONAL RADIOTELEPHONE COMMUNICATIONS

Whereas The Board of War Communications has determined that the national security and defense and the successful conduct of the war demand the termination of certain international radiotelephone communications;

Now, therefore, By virtue of the authority vested in the Board by Executive Order No. 8964¹ dated December 10, 1941;

It is hereby ordered as follows:

§ 1714.1 *Termination of certain international radiotelephone communications.* From and after the date hereof, no non-governmental business or personal radiotelephone call shall be made to or from any foreign point outside of the Western Hemisphere except England, unless such call is made in the interest of the United States and an agency of the United States Government sponsors such call and obtains prior approval therefor from the Chief Cable and Radio Censor: *Provided, however,* That this provision shall not apply to calls by press agencies approved by the Censor, or to addressed radio program service and cue channels used in connection therewith.

§ 1714.2 *Closure of non-governmental point-to-point circuits between the United States and Australia.* All non-governmental point-to-point radiotelephone circuits between the United States and Australia be, and they are hereby, designated for closure and, effective midnight August 31, 1942, are closed.

Nothing herein shall apply to communications between the United States and points in the Western Hemisphere.

Subject to such further order as the Board may deem appropriate.

(E.O.-8964, 6 F.R. 6367)

BOARD OF WAR COMMUNICATIONS,
JAMES LAWRENCE FLY, *Chairman.*

Attest: July 23, 1942.

R. J. MAURMAN,
*Acting Secretary, Commander,
U. S. Coast Guard.*

[F. R. Doc. 42-7307; Filed, July 29, 1942;
10:08 a. m.]

Chapter XVII—Office of Civilian Defense

PART 1902—INSIGNIA

[Regulations 2—Amendment 2 to Supp. Order 2¹]

By virtue of the authority vested in me as Director of Civilian Defense by Executive Order No. 8757, dated May 20, 1941, as amended by Executive Order No. 9134, dated April 15, 1942, and by Executive Order No. 9088, dated March 6, 1942, the Director of Civilian Defense hereby amends § 1902.55 of this chapter (section 5 of Supplementary Order No. 2 to Office of Civilian Defense Regulations No. 2), by adding § 1902.55 (i) (section 5 (i) of Supplementary Order No. 2), which designates additional official articles of the Civil Air Patrol as follows:

§ 1902.55 *Official articles for the Civil Air Patrol.* * * *

(i) *Lapel pins and buttons.* (1) The basic insignia may be used on metal lapel pins, with spread eagle wings on each side of and the letters "CAP" above the circle, which pins shall be 1¼ inches in length.

(2) The basic insignia alone may be used on lapel pins and buttons ½ inch in diameter. (E.O. 8757, 9088, 9134; 6 F.R. 2517)

[SEAL] JAMES M. LANDIS,
Director of Civilian Defense.

JULY 28, 1942.

[F. R. Doc. 42-7215; Filed, July 28, 1942;
12:21 p. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

[General Order 18]

PART 300—GENERAL PROVISIONS

PROCUREMENT OF ARTICLES, MATERIALS AND SUPPLIES FOR WAR SHIPPING ADMINISTRATION WITHOUT REGARD TO THE PROVISIONS OF THE "BUY AMERICAN ACT"

Whereas an unlimited National Emergency was proclaimed by the President of the United States on May 27, 1941; and

Whereas by the First War Powers Act, 1941, and Executive Order No. 9054, dated February 7, 1942, issued pursuant thereto, the President of the United States conferred upon the War Shipping Administration the functions, duties, and powers of the United States Maritime Commission under the provisions of the Merchant Marine Act, 1936, as amended, and of Title II of the First War Powers Act, 1941, and Executive Order No. 9001, dated December 27, 1941, issued pursuant thereto, to enter into contracts without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts, and of Public Law 101, approved June 6, 1941, and Executive Order 8771, dated June 6, 1941, issued pursuant thereto, and Title III of the First Supplemental National Defense Appropriation Act, 1941, to operate vessels upon such terms and conditions as it may deem desirable and in the public interest; and

Whereas by Title III of the Act of March 3, 1933 (Public Law No. 428, Seventy-Second Congress, 47 Stat. 1520), also known as the "Buy American Act," the Administrator may waive the provisions of that Act if he shall determine its application to be inconsistent with the public interest; and

Whereas pursuant to the emergency powers vested in him, and pursuant to Title III of the Act of March 3, 1933, the Administrator has determined, and does hereby determine, that the restrictions imposed by said Title III of the Act of March 3, 1933, are inconsistent with the public interest and tend to delay and impede the prosecution of the war.

Now, therefore, it is hereby ordered, That:

§ 300.9 *Procurement of articles, materials and supplies for the War Shipping Administration during the unlimited national emergency without regard to the provisions of the "Buy American Act."*

¹ 6 F.R. 6787.

(a) For the duration of the unlimited National Emergency proclaimed by the President of the United States on May 27, 1941, the provisions of Title III of the Act of March 3, 1933 (Public No. 428, Seventy-Second Congress, 47 Stat. 1520, 41 U.S.C. Secs. 10a, 10b, and 10c) shall not be applicable to the purchase of articles, materials, and supplies, manufactured or unmanufactured, for the account of, or under contracts with, the War Shipping Administration.

(b) Preference shall be given to articles, materials, and supplies, manufactured, produced or mined in the United States, purchased for the account of the War Shipping Administration, whenever convenient in the judgment of the purchasing officer, employee, and Agent or General Agent conducting the business of vessels under service agreements.

(c) Proper officials of the War Shipping Administration are hereby authorized to enter into contracts, and into amendments or modifications of existing contracts, without regard to the provisions of Title III of the Act of March 3, 1933 (Public No. 428, Seventy-Second Congress, 47 Stat. 1520, 41 U.S.C. Secs. 10a, 10b, and 10c), and in accordance with the provisions of this section. (E.O. 9054, 7 F.R. 837)

By order of the War Shipping Administrator.

[SEAL] W. C. PEET, Jr.
Secretary.

JULY 27, 1942.

[F. R. Doc. 42-7324; Filed, July 29, 1942;
11:31 a. m.]

[General Order 7, Supp. I]

PART 300—GENERAL PROVISIONS

TRANSFER OF PROPERTY FROM MARITIME COMMISSION TO WAR SHIPPING ADMINISTRATION

Whereas, Executive Order No. 9054, issued February 7, 1942, establishing the War Shipping Administration, provides among other things that "such part of existing personnel of the United States Maritime Commission together with such records and public property as the Administrator may deem necessary to the full exercise of his functions and duties prescribed by this Order are hereby assigned to the War Shipping Administration";

Now, therefore, it is hereby determined that:

§ 300.2 *Transfer of property from Maritime Commission to War Shipping Administration.* The Administrator of the War Shipping Administration deems presently necessary to the full exercise of his functions and duties prescribed by said Executive Order the custody, use of, and obligation to maintain, the following public property now vested in the United States Maritime Commission and records pertaining thereto, subject to existing permits, rights, and privileges:

(a) the property located in Hoboken, New Jersey, and commonly known as the Hoboken Terminal;

¹ 6 F.R. 6367.

² 7 F.R. 4274, 5311.

(b) the property located in Norfolk, Virginia, and commonly known as the Norfolk Army Base Terminal; and

(c) the property located in Philadelphia, Pennsylvania and commonly known as the Philadelphia Army Base Terminal. (E.O. 9054, 7 F.R. 837)

By order of the War Shipping Administrator.

[SEAL]

W. C. PEET, Jr.,
Secretary.

JULY 28, 1942.

[F. R. Doc. 42-7325; Filed, July 28, 1942;
11:38 a. m.]

[General Order No. 6—Supp. 1]

PART 305—INSURANCE

WAR RISK INSURANCE AUTOMATIC COVERAGE ON IMPORT CARGOES

Pursuant to the authority contained in the Merchant Marine Act of 1936, as amended, the following additional rules and regulations for the underwriting of cargo war risk insurances on imports to the United States are hereby promulgated.

Effective as of August 1, 1942, the War Shipping Administration is prepared to provide open cargo war risk insurance policies covering imports to the continental United States (excluding Alaska), from foreign ports and from territories and possessions of the United States (including Alaska). Such open policies will be subject to the standard war risk import open cargo policy form of the War Shipping Administration hereinafter referred to as the Warshipopencargo Form and published in the FEDERAL REGISTER as a part hereof. All such policies will be issued on behalf of the War Shipping Administration by Underwriting Agents appointed by the Administration for this purpose. Underwriting Agents will in all instances be insurance companies licensed to do a marine insurance business in a State of the United States.

§ 305.34 *Rules of procedure on open cargo war risk insurance on import cargoes.* The following specific rules have been promulgated in connection with insurance under such open policies:

(a) Applications for open policies must be filed in accordance with the form attached hereto, such filing to be made to an underwriting agent of the War Shipping Administration. All applications for open policies must specify the basis of valuation to be incorporated therein. The Assured shall have the option at the time of application of selecting one of the two following alternative bases of valuation:

(1) Invoice cost, plus transportation and insurance charges actually incurred with respect to the insured shipment, plus such percentage thereof as may be specified in the policy but not exceeding 10%. Where invoice is in foreign currency, amount to be converted to U. S. dollars at the mean rate of exchange at New York upon date of shipment as indicated by the bill of lading or otherwise.

(2) A value per unit to be specified in the policy.

Regardless of which option is selected the assured shall recover only his ac-

tual out of pocket loss and the policy shall embody the following clause:

In the event of loss the assured shall be required to file an affidavit to the effect that the amount claimed does not exceed the actual bona fide pecuniary loss of the assured, exclusive of any allowance for anticipated or accrued profit arising out of the insured venture. Such affidavit shall be subject to the provisions of section 35 (a) of the Criminal Code.

(b) All applications for open cargo war risk insurance policies must maintain with the War Shipping Administration either a collateral deposit fund or a surety bond subject to the following regulations:

(1) Applicant wishing to establish a collateral deposit fund in compliance with the foregoing may do so by depositing with the underwriting agent of the War Shipping Administration through whom the open policy is to be issued a certified check or cashier's check payable to the order of the Treasurer of the United States in an amount as herein-after provided, together with a letter of transmission in duplicate in accordance with the attached form. Such deposit when received will be held under a serial number assigned thereto until the cancellation of said open-cargo policy and until final settlement of all premiums due thereunder has been effected. Until such time no part of such collateral deposit fund will be returned to the depositor unless otherwise specifically agreed by the War Shipping Administration. Assureds depositing additional certified or cashier's checks or money orders with the underwriting agent in order that their collateral deposit fund may be at all times sufficient to comply with Clause 13 of Part II of said Open War Risk Insurance Policy should refer to the serial number given to the original deposit as provided in paragraph (c) of this section.

In the event any assured fails to pay all premiums due under any open war risk insurance policy issued to him by the War Shipping Administration as the same become due and payable, the War Shipping Administration reserves the right to cancel the policy in accordance with its terms and to deduct such due amounts from such assured's collateral deposit fund.

*No deposit will be accepted in accordance with the terms of this supplement unless amounting to \$1,000.00 or more.

(2) Applicant wishing to furnish a surety bond in compliance with the foregoing shall present to the underwriting agent of the War Shipping Administration through whom the policy is issued a surety bond executed by the assured as principal and by the surety, the bond to be in the amount desired by the assured: *Provided, however,* That in no event shall it be for an amount less than \$1,000.00. The sufficiency of the surety shall be subject to approval by the War Shipping Administration: *Provided, however,* That the underwriting agent may accept on behalf of the War Shipping Administration a surety bond executed by a surety on the approved list of the Treasury Department for the acceptance

of bonds to secure obligations due the United States, provided the bond is within the maximum amount for which the surety is so authorized to write bonds as shown by the said approved list.

If the proposed surety is not on said approved list, the underwriting agent, before accepting the surety bond, shall first secure the specific written approval of the Assistant Deputy Administrator for Fiscal Affairs, War Shipping Administration, or his properly authorized designee.

In the event any assured fails to pay all premiums due under any open war risk insurance policy issued to him by the War Shipping Administration as the same become due and payable, the policy will be subject to cancellation and the premium involved will become a liability collectible under said bond.

The form of bond shall be as herein-after set forth, and no variation therefrom shall be permitted except with the express written approval of the Director of Wartime Insurance and the General Counsel, War Shipping Administration.

(3) The amount of collateral deposit fund or surety bond as aforesaid must in no event be less than \$1,000.00 and must at all times be maintained by the assured in an amount sufficient so that at all times such amount is in excess of the unpaid premium due with respect to any and all risks which have attached under the terms of the open policy. Failure to comply with this provision will automatically void such policy.

(c) *Provisional reports.* Within thirty days after issuance of each open policy the assured must file in duplicate with the underwriting agent a list of all anticipated imports coming within the scope of the policy, identifying each item by a serial number and by a statement as to approximate quantity or value and anticipated date of shipment if known; thereafter, not less frequently than once monthly the assured must report to the underwriting agent in duplicate all further commitments as to imports with respect to goods coming within the scope of the policy. All such provisional reports must be on standard form in accordance with the attached.

(d) *Closing reports.* Not later than the twenty-fifth day of each month, the assured must make reports to the underwriting agents of all shipments as prescribed in Clause 12 of Part II of Warshipopencargo Form and must pay premium in accordance with the terms thereof. Such reports must be in duplicate and upon standard form in accordance with the attached specimen, and must be supported by the execution of the affidavit embodied in said form.

In the event that the assured has no shipments to report during any given month the standard form of closing report must nonetheless be filed as prescribed herein, with the notation thereon, "It is certified that no shipments coming within the scope of the policy arrived at port of destination in continental United States during the preceding month, and that during said month no knowledge has come to the assured of shipments attaching under

the terms of the policy which will not arrive by reason of loss, frustration or other similar cause".

(e) All closing reports as called for by the preceding paragraph must be accompanied by a certified check for the full amount of the premium, computed on the basis provided for in the policy. Such checks must be made payable to the order of the Treasurer of the United States.

(f) *Return premiums.* No return premiums will be payable to the assured except in event of error in application of rate or in computation of premium, or in event goods are not shipped or are short-shipped. All claims for return premiums must be filed in standard form prescribed by the War Shipping Administration, per specimen form attached. Such form must be filed in quadruplicate with the underwriting agents who will transmit the same to the War Shipping Administration for payment.

(g) No special policy of insurance will be issued with respect to shipments covered under open policies provided in accordance with this section.

(h) All claims for losses recoverable under the terms of open cargo war risk insurance policies issued by the War Shipping Administration should be filed by the assured with the underwriting agent by whom the policy was issued. Such claims should be supported by the customary documents required in connection with war risk insurance claims, together with the affidavit referred to in paragraph (a) of this section, and such further data as may now or hereafter be required by the War Shipping Administration.

(i) The following standard forms, to be used in carrying out the foregoing, are hereby prescribed:

§ 305.35 Application form for open policy.

UNITED STATES OF AMERICA WAR SHIPPING ADMINISTRATION WARSHIPOPENCARGO POLICY APPLICATION *Imports only*

Effective with respect to shipments (a) under Ocean Bills of Lading dated on and after _____, (which shall be not earlier than the date of issuance of the policy), or (b) if Ocean Bills of Lading not issued under equivalent shipping documents dated on and after said date, or (c) if no Ocean Bills of Lading or equivalent shipping documents are issued or the same are undated, laden on overseas vessels on and after said date, a War Risk Open Policy containing the warranties and conditions promulgated in Supplement 1 of General Order No. 6 of the War Shipping Administration is requested by:

Name of Assured _____
Address _____
No. Street City
County State
Merchandise not to be covered, if any, _____

Does applicant require coverage of goods on shore (subject to additional premium as required by W. S. A.) where such goods are discharged short of destination _____?

The applicant must select ONE of the following valuation clauses. Indicate by check mark your selection, and if Clause (a) is selected, insert desired percentage not exceeding 10%:

(a) Invoice cost plus transportation and insurance charges actually incurred with respect to the insured shipment, plus _____ per cent. Where invoice is in foreign currency, amount to be converted to United States dollars as per policy provisions.

(b) A specified value per unit, viz, \$ _____ per _____. Regardless of which valuation clause is selected, the following policy provision shall apply:

"In the event of loss the Assured shall be required to file an affidavit to the effect that the amount claimed does not exceed the actual bona fide pecuniary loss of the Assured, exclusive of any allowance for anticipated or

accrued profit arising out of the insured venture. Such affidavit shall be subject to the provisions of Section 35 (a) of the Criminal Code."

Assured _____
By _____
Title _____

This application must be accompanied by either (a) Standard Form of Transmittal of Collateral Deposit Fund with accompanying Cashier's or certified check, or (b) Standard Form of Surety Bond executed by the Assured as Principal and by the Surety, complying in either case with all applicable provisions of Clause (b) of General Order No. 6, Supplement 1. Shipments with respect to which premiums are not covered in full by the amount of such collateral fund or surety bond will not be insured under the policy.

§ 305.36 Standard form of provisional report.

The Assured represents that he has no knowledge of any facts or circumstances which would render incorrect, incomplete, untrue, or misleading, any statements contained in this Provisional Report.

Dated _____ ASSURED _____
BY _____
TITLE _____

PROVISIONAL REPORT OF SHIPMENTS FOR ACCOUNT OF

AGENT'S NO. _____

WARSHIPOPENCARGO

POLICY NO. _____

REPORT NO. _____

This form to be filed in duplicate.

| Serial No. | Quantity of goods | Description of goods | Approximate value | Contract or letter of credit number | Expected month of shipment | Port of shipment | Remarks |
|------------|-------------------|----------------------|-------------------|-------------------------------------|----------------------------|------------------|---------|
| | | | | | | | |

§ 305.37 Standard form of closing report.

NOTE.—To be filed in duplicate. This report must be sworn to by use of affidavit on reverse hereof.

Monthly Closing Report for the Month of _____, 194__

Assured _____

Agent's No. _____ Policy No. _____

Closing Report No. _____

| Do not use this space | | | |
|-------------------------|-------|-----------------------|-------|
| Rate verified _____ | _____ | Check deposited _____ | _____ |
| Premium verified _____ | _____ | _____ | _____ |
| Footings verified _____ | _____ | _____ | _____ |
| Summary Posted _____ | _____ | _____ | _____ |
| Receipt No. _____ | | | |

| Risk No. | Provisional No. | Descriptive document | | | Marks and numbers | Quantity of goods | Type of goods or merchandise | Voyage | Arrival date | Amount | Rate | Premium | Remarks |
|----------|-----------------|----------------------|------|-----|-------------------|-------------------|------------------------------|--------|--------------|--------|------|---------|---------|
| | | Rate | Type | No. | | | | | | | | | |
| | | | | | | | | | | | | | |

AFFIDAVIT TO BE ATTACHED TO CLOSING REPORT

County of _____

State of _____ ss:

_____, being first duly sworn, deposes and says that he is the Assured named in Open Cargo War Risk Policy No. _____ issued by the War Shipping Administration, or the _____ of said Assured, a _____, and does hereby certify, warrant, represent and affirm on his own behalf and on behalf of said Assured that the information set forth herein is in all respects a true, accurate and complete list of all goods shipped to or consigned to the Assured and for his account and risk, or shipped to other parties within the United States for the account and risk of the Assured under Ocean Bills of Lading and arriving at port of destination in the continental United States during the month ending _____ 1942 and includes a true, accurate and complete list of all such goods which failed to arrive by reason of

loss, frustration or similar cause with respect to which knowledge of such non-arrival has become known to the Assured during said month. The foregoing information is furnished by Assured pursuant to the terms and conditions of said Open Cargo War Risk Insurance Policy and is provided by affiant and Assured with full knowledge that War Shipping Administration will rely thereon and with the intent and purpose of inducing the War Shipping Administration to rely thereon.

Subscribed and sworn to before me this _____ day of _____, 1942.

Notary Public

Attention is directed to section 35 (a) of the Criminal Code of the United States which provides for punishments ranging as high as 10 years' imprisonment or ten thousand dollars fine, or both, for filing false, fictitious, or fraudulent documents with a department or agency of the United States.

§ 305.38 Standard form of letter for transmittal of collateral deposit fund.

Collateral Deposit Fund
Transmittal Form.

UNITED STATES OF AMERICA
WAR SHIPPING ADMINISTRATION

Policy No. _____
Amount Inclosed \$ _____
To: War Shipping Administration,
c/o _____, Underwriting Agent.

Inclosed herewith is certified or cashier's check drawn to the order of the Treasurer of the United States in the above sum to be held by the War Shipping Administration as a collateral deposit fund under the above numbered Warshipopencargo policy pursuant to all of the terms and conditions of said policy, and such additional conditions and regulations as may be promulgated from time to time by the War Shipping Administration, and published by the War Shipping Administration in the FEDERAL REGISTER as provided in said policy.

Dated: _____
Assured _____
Received this _____ day of _____, 194____.

Underwriting Agent
Deposited in Federal Reserve Bank at _____ on _____, 194____.

This form must be executed in quadruplicate.

§ 305.39 Standard form of application for return premium.

Do not fill out this space

Premium paid _____
Checked by Underwriting Agent _____
Checked by clearing Organization _____
Approved by: _____

For Director of Wartime Insurance

This application must be filed in quadruplicate with underwriting agency issuing policy.

APPLICATION FOR RETURN PREMIUM UNDER
WARSHIPOPENCARGO FORM

WAR SHIPPING ADMINISTRATION, DIVISION OF
WARTIME INSURANCE

Assured _____
Address _____
Underwriting agent _____
Nature of cargo _____
Policy number _____
Date of payment _____

INSURANCE DECLARED

| Quantity (tons, bbls., bales, etc.) | Amount of insurance | Rate | Premium |
|-------------------------------------|---------------------|------|---------|
| | | | |
| Total | | | |

INSURANCE AT RISK

| | | | |
|-------|--|--|--|
| | | | |
| Total | | | |

Return Premium _____

Remarks: _____

Application is hereby made for return premium as set forth above by
Date _____ Name _____
COUNTY OF _____
State of _____ ss:

_____, being first duly sworn, deposes and says that he is the
No. 149—5

Assured named in the foregoing application for return premium or the _____ of said Assured, a _____, and that the information set forth in said application is in all respects true and correct and is made to induce the War Shipping Administration to return part or all of the premiums heretofore paid by said Assured to said War Shipping Administration for Open Cargo War Risk Insurance. Said application is made with full knowledge by the Assured and this affiant that said War Shipping Administration will rely on the information set forth therein.

Subscribed and sworn to before me this _____ day of _____, 1942.

Notary Public

Attention is directed to section 35 (a) of the Criminal Code of the United States which provides for imprisonment ranging as high as 10 years or ten thousand dollars fine, or both, for filing false, fictitious or fraudulent claims with a department or agency of the United States.

§ 305.40 Standard form of application for appointment of underwriting agent.

War Shipping Administration,
Department of Commerce Building,
Washington, D. C.

Attention: Director, Wartime Insurance.

Dear Sirs:

The undersigned, an insurance company duly admitted to transact the business of marine insurance in the following State or States of the United States,

hereby applies for appointment as Underwriting Agent of the Administrator, War Shipping Administration, to issue and execute open war risk cargo insurance policies on behalf of the United States of America, acting by and through the Administrator, War Shipping Administration, and to perform other functions and duties, as are more specifically set forth in the standard form of underwriting agency agreement adopted by the Administrator and promulgated in the FEDERAL REGISTER of the United States on the _____ day of _____, 1942. In connection with this application, we are transmitting herewith three executed counterparts of an underwriting agency agreement in such standard form. Upon the execution of said agreement by or on behalf of the Administrator and the receipt from the Administrator of a duly executed Certificate of Designation of ourselves as underwriting agent and attorney in fact for the War Shipping Administration, this appointment shall thereupon become effective.

Date _____

(Company)

§ 305.41 Certificate of designation of underwriting agent.

Certificate of designation of _____ as underwriting agent for the War Shipping Administration

Agency Number _____

It is hereby certified that the United States of America, acting by and through the Administrator, War Shipping Administration, has appointed _____, of _____, its duly authorized agent and attorney in fact to execute and issue open war risk cargo policies of insurance in the name of the United States of America, acting by and through the Administrator, War Shipping Administration, and perform other functions and duties of underwriting agent as provided in an underwriting agency agreement executed by and between the Administrator and said underwriting agent dated _____, which agreement is in the

standard form heretofore adopted by the Administrator and published in the FEDERAL REGISTER of the United States under date of _____, 1942.

Dated, Washington, D. C. _____
UNITED STATES OF AMERICA,
WAR SHIPPING ADMINISTRATION,

By: _____
(Name and title)
For the Administrator.

§ 305.42 Standard form of underwriting agency agreements.

UNDERWRITING AGENCY AGREEMENT

This agreement made and entered into this _____ day of _____, 194____, by and between the Administrator of the War Shipping Administration, acting for and on behalf of the United States of America, (hereinafter called the "Administrator") and _____, a corporation organized and existing under the laws of _____, and admitted to do the business of marine insurance in one or more of the States of the United States, having an office for the transaction of business at _____ (hereinafter called the "Underwriting Agent").

Witnesseth:

Whereas under and pursuant to the President's Executive Order 9054 of February 7, 1942, and Public Law 523 of the Seventy-seventh Congress, the Administrator is authorized under certain circumstances to provide marine insurance and reinsurance against loss or damage by the risks of war, and to exercise this power through such officials or agencies and in such manner as he may determine; and

Whereas the Administrator has determined to exercise certain of these powers for the insurance of cargo through certain private insurance corporations, including the Underwriting Agent, upon the terms and conditions hereinafter set forth;

Now, therefore, in consideration of the premises and of the mutual covenants and agreements, and upon the terms and conditions hereinafter set forth, the parties hereto agree as follows:

1. The Administrator hereby authorizes the Underwriting Agent, as Agent, and not as an independent contractor, to perform the functions hereinafter provided for, subject to the terms and conditions hereinafter specified, and in accordance with the Memoranda of Instructions which may be issued hereunder by the Administrator from time to time.

2. The Underwriting Agent agrees to utilize its offices and facilities to make available to the public the insurance of cargoes against war risks furnished by the Administrator. The Underwriting Agent may act through its Home Office, branch offices or agencies in the United States, its territories or possessions, which are authorized to write marine insurance on behalf of the Underwriting Agent.

The duties of the Underwriting Agent shall be as follows:

(a) The Underwriting Agent shall issue policies covering the class or classes of property and subject to the rates and conditions named by the Administrator. The insurer under such policies shall be the Administrator, and the policy shall be executed or countersigned by the Underwriting Agent.

(b) The Underwriting Agent shall keep a full and complete record of all such policies, and shall also record any premium, collateral deposit fund, or surety bonds required by the terms of such policy, so that a record may be available at all times to the Administrator, both as to all policies issued and as to all collateral deposit funds or surety bonds provided by the assured in connection with such policies.

(c) The Underwriting Agent shall receive customary Provisional Reports from policyholders, and subject to such regulations as

may be adopted by the Administrator, shall take the necessary steps to follow up the same.

(d) The Underwriting Agent shall accept monthly Closing Reports from each policyholder for transmission to a clearing organization which shall be appointed or created by the Administrator for this and other purposes. The Underwriting Agent shall also receive certified checks drawn to the Treasurer of the United States for the premiums involved, if the premiums have not been previously paid, which checks shall be deposited by the Underwriting Agent in the Federal Reserve Bank nearest to its office, or in such other bank as may be authorized by the Administrator to receive such deposits. The Underwriting Agent is to receive from the bank in which the deposits are made receipts therefor in such number as may be prescribed in general instructions to the Agent and handle the receipts so received in accordance with such general instructions.

(e) The Underwriting Agent shall prepare a monthly summary of all such Closing Reports on a standard form to be approved by the Administrator and transmit the same, together with supporting Closing Reports and receipts for deposits made as above provided, to the clearing organization.

(f) The Underwriting Agent shall receive from holders of policies issued by such Underwriting Agent any claims for return premiums in a standard form to be prescribed by the Administrator and shall certify thereon, if such is the fact, that the amounts with respect to which such return is claimed were previously included in closing reports submitted to the Administrator and that based upon the statements included in such application by the Assured the return premium applied for is payable in accordance with the regulations of the Administration. Such applications and certifications shall be transmitted promptly to the clearing organization.

(g) The Underwriting Agent shall receive reports of losses, prepare adjustments and vouchers, and other data, required by the Administrator, and submit the same with its recommendation as to whether claims are in order for settlement to the Administrator through the clearing organization.

(h) The Underwriting Agent will cooperate with other Underwriting Agents acting in a similar capacity to establish and maintain, through the American Institute of Marine Underwriters or otherwise, an advisory underwriting committee to deal with specific underwriting problems, subject to regulations of the Administrator, and such other advisory committees as may seem necessary to safeguard the interest of the Administrator, including a loss committee to act as a recipient for information as to losses, and to pass upon any recommendations made by the Underwriting Agent as to losses in excess of an amount to be fixed by the Administrator.

3. The Underwriting Agent shall receive for its services such amount as the Administrator may from time to time determine to be fair and reasonable compensation. Such compensation shall be determined by the Administrator at such sums as reasonably approximate expenses of Underwriting Agents generally under this form of agreement without contemplation of profit. In addition to such fair and reasonable compensation the Underwriting Agent shall receive reimbursement for out of pocket expenditures reasonably incurred, meaning payments to persons not regularly employed by the Underwriting Agent, but excluding payments to attorneys unless such employment has been authorized by the Administrator: *Provided however*, That all such expenditures shall be subject to the review of the Administrator: *And, further provided*, That such expenditures shall not include any fee or other consideration paid to

an insurance broker or other person acting in a similar intermediary capacity.

A statement of the compensation due to the Underwriting Agent (including reimbursement for out of pocket expenses as herein provided) shall be submitted by the Underwriting Agent to the Administrator monthly or at such other intervals as the Administrator may direct, with an appropriate voucher, and the amount of such compensation, if approved, shall be promptly paid to the Underwriting Agent.

4. In the discharge of the duties and obligations arising under this agreement, the Underwriting Agent shall conform to a standard of performance and accuracy reasonably to be expected of an insurance company in the administration of its own business, and consistent with the highest degree of good faith. It is agreed, however, that as the Underwriting Agent is acting without expectation of profit, it shall not be responsible for errors or omissions of agents and employees in whose selection and supervision it has exercised reasonable care, (other than willful misconduct on the part of the principal officers of said Underwriting Agents) excepting that the Underwriting Agent assumes full and complete responsibility for the disposition of any funds received by it or its employees or agents under and pursuant to this agreement. The exercise of reasonable care in the selection of agents by the Underwriting Agent shall be deemed to include a determination by the Underwriting Agent that the agent so selected is experienced in the transaction of such phases of the marine insurance business as may be delegated to such agent by the Underwriting Agent. It is understood that the Underwriting Agent is or may be engaged in writing war risk insurance on hulls and cargoes for its own account, and it is agreed that it may write such insurance notwithstanding its operations on behalf of the Administrator.

5. All books, records and accounts covering the operations and activities under this agreement shall be kept separate from those relating to other business of the Underwriting Agent, in accordance with regulations made from time to time by the Administrator, and shall at all times be subject to inspection by the Administrator.

6. It is recognized that in the conduct of its operations and activities hereunder the Underwriting Agent shall act only as agent for the Administrator, who shall be the principal in connection with all such operations and activities. The Underwriting Agent shall have no authority other than as provided in this Agreement and in Memoranda of Instructions issued hereunder, and any unauthorized acts of said Underwriting Agent shall be null and void, and of no effect. It is agreed that the Administrator will issue to the Underwriting Agent a Certificate of Designation authorizing the Underwriting Agent to execute and issue war risk cargo policies of insurance in the name of the United States of America and to perform the other duties and functions provided for herein. It is further agreed, in view of the fact that the statutory power of the Administrator to write insurance is conditioned on the existence of certain facts of which the Underwriting Agent may have no knowledge or means of knowledge, that the Underwriting Agent may insert in all policies above its signature, a statement that it acts solely under the said Certificate of Designation and makes no warranty, either express or implied, of its own authority or the authority of the Administrator to sign or issue the said documents.

7. Notwithstanding the provisions of paragraph 3 hereof, in the event that the Underwriting Agent, after giving notice to the Administrator, shall be compelled to pay to any state, territory, or possession of the

United States, or political subdivision thereof, any tax or fee or interest or penalty relating thereto claimed to be due by reason of the business transacted pursuant to this agreement and which would not have been payable except for the operation of the Underwriting Agent hereunder, the Underwriting Agent shall be reimbursed by the Administrator therefor, and for any special expenses necessarily incurred in connection therewith. Moreover, if the Administrator shall reject any claim for loss under any policy of insurance issued pursuant to this agreement and if legal proceedings be instituted against the Underwriting Agent with respect to such claim, or if the Underwriting Agent shall be obligated to defend any legal suit or proceeding on account of its action in rejecting any application or failing to issue any policy or in cancelling any policy, or in denying the payment of any return premium, the Administrator shall, upon due notice at his expense, defend such proceeding and if in any such proceeding the Underwriting Agent be compelled to make payment, the Administrator shall reimburse the Underwriting Agent for the amount thereof, provided always the action of the Underwriting Agent complained of shall have been consistent with the standard of performance required hereunder. In any of the foregoing cases, the Underwriting Agent shall render to the Administrator such reasonable cooperation and assistance as the Administrator may require.

8. This agreement shall take effect as of the date of its execution by the Administrator and continue in force until terminated. It may be terminated, as of midnight on the last day of any calendar month by either party giving at least fifteen (15) days prior written notice to the other party by registered mail. Such termination shall not affect the obligation of the parties hereunder with respect to any insurance written or expenses incurred prior thereto.

9. Any act or thing herein required or permitted to be done hereunder by the Administrator may be done by such other official or officials of the War Shipping Administration as the Administrator may designate.

10. (a) The Underwriting Agent warrants that it has not employed any person to solicit or secure this agreement upon any agreement for a commission, percentage, brokerage, or contingent fee. Breach of this warranty shall give the United States the right to annul this agreement, or, in its discretion, to deduct from any amount payable hereunder the amount of such commission, percentage, brokerage, or contingent fee.

(b) In any act performed under this agreement the Underwriting Agent shall not discriminate against any citizen of the United States of America on the ground of race, creed, color or national origin.

1. No person elected or appointed a member of or delegate to Congress or a Resident Commissioner, directly or indirectly, himself or by any other person in trust for him, or for his use or benefit, or on his account shall hold or enjoy this agreement in whole or in part, except as provided in Section 208 Title 18, U.S.C. The Underwriting Agent shall not employ any member of Congress, either with or without compensation, as an attorney, agent, officer or director.

In witness whereof the parties hereto have duly executed this Agreement in triplicate as of the day and year first above written.

UNITED STATES OF AMERICA,
By (Sgd.) E. S. LAND,
E. S. Land,

Administrator,
War Shipping Administration.
By _____
For the Administrator.

Attest:

By _____

I, _____, certify that I am the duly chosen, qualified, and acting Secretary of _____, a party to this Agreement, and, as such, I am the custodian of its official records and the minute books of its governing body; that _____ who signed this agreement on behalf of said corporation, was then the duly qualified _____ of said corporation; that said officer affixed his manual signature to said Agreement in his official capacity as said officer for and on behalf of said corporation by authority and direction of its governing body duly made and taken; that said Agreement is within the scope of the corporate and lawful powers of this corporation.

[CORPORATE SEAL]

(Where special action of the governing body is not immediately practicable, the following must be signed by the United States Manager, or by the Branch Manager or other similar executive who executes the Agreement.)

I, _____, certify that I am the _____ of _____, the party to this Agreement referred to therein as the Underwriting Agent; that I personally signed this Agreement on behalf of said corporation, under powers given to me by authority and direction of its governing body duly made and taken; that said Agreement is within the scope of the corporate and lawful powers of this corporation.

L. S.

§ 305.43 Standard form of Warship-opencargo policy.

UNITED STATES OF AMERICA

WAR SHIPPING ADMINISTRATION

FORM OF POLICY

Part I

This policy shall consist of this Part I and Part II published in the FEDERAL REGISTER under date of July 30, 1942, as part of Supplement I to General Order No. 6 of the War Shipping Administration. Part II shall be deemed incorporated herein and made a part of this contract, and this contract shall be subject to the terms and conditions of both parts. This policy may be amended by endorsement attached hereto and executed on behalf of the Administrator of the War Shipping Administration by a duly authorized underwriting agent pursuant to prior written or telegraphic instructions from the War Shipping Administration or by publication of an amendment to the Warship-opencargo Policy form in the FEDERAL REGISTER. In the latter event such amendment shall become effective 48 hours after the date of such publication unless a longer period is provided for therein, but such amendment shall not affect any shipments which attached hereunder prior to the expiration of such period. In the event that the Assured is unwilling to accept any amendment to this policy as aforesaid, he shall have the option of terminating this policy as of the effective date of such amendment upon written or telegraphic notice to the Administrator, War Shipping Administration prior to such effective date.

In consideration of a collateral deposit fund or surety bond to be established in accordance with Clause 13 of part II of this policy, and of premiums computed and paid as provided in Clause 12, Part II of this Policy, War Shipping Administration by this policy of insurance hereby insures _____

_____ against War Risks as specified in Part II with respect to all imports to the Continental United States,

excluding Alaska (except as to such imports as may be specifically excluded from this policy by special agreement noted hereon by endorsement) shipped to or consigned to the Assured and for his account and risk or shipped to other parties within the United States for the account and at the risk of the Assured:

a. Under ocean Bills of Lading dated on or after _____, or

b. If ocean Bills of Lading not issued, under equivalent shipping documents dated on or after said date, or

c. If no ocean Bills of Lading or equivalent documents are issued or the same are undated, laden on overseas vessel on and after said date.

For the purpose of this insurance, goods insured hereunder shall be valued at _____

In the event of loss the Assured shall be required to file an affidavit to the effect that the amount claimed does not exceed the actual bona fide pecuniary loss of the Assured, exclusive of any allowance for anticipated or accrued profit arising out of the insured venture. Such affidavit shall be subject to the provisions of section 35 (a) of the Criminal Code.

This policy may be cancelled at any time upon 15 days written or telegraphic notice to or by the Assured or 15 days subsequent to the publication of a notice of cancellation in the FEDERAL REGISTER: *Provided, however,* That no such cancellation shall terminate this policy with respect to any shipments which have become a risk under the terms hereof prior to the effective date of such notice.

In the event of loss which may give rise to claim under this policy, prompt notice should be given to the Underwriting Agent of the War Shipping Administration by whom this policy is countersigned.

Any loss payable hereunder shall be payable in funds current in the United States, to the order of _____ 30 days after full proofs of loss and proofs of interest have been filed with the War Shipping Administration.

In witness whereof the War Shipping Administration had caused this policy to be signed by the Administrator at Washington, D. C. but this policy shall not be valid unless countersigned by a duly authorized Underwriting Agent of the War Shipping Administration.

(Sgd.) E. S. LAND,
E. S. Land,
Administrator.

*Countersigned this ____ day of ____
_____, 194__.

Underwriting Agent of
War Shipping Administration

By: _____
Its _____

*The Underwriting Agent does not, by countersigning and issuing this policy or otherwise, warrant its own authority, or the authority of the War Shipping Administration, to issue this Policy, but acts solely under the power conveyed by the Standard Form of Certificate of Designation issued by the War Shipping Administration.

Optional Clause which may be attached to Warship-opencargo Policy by endorsement:

"In consideration of such additional rate as may be prescribed from time to time by the War Shipping Administration, it is understood and agreed that Clause 4 c of Part II of this policy is deleted.

"It is further understood and agreed that, if owing to circumstances beyond the control

of the Assured, the merchandise insured hereunder is landed at an intermediate port other than the intended port of discharge, this insurance shall continue in force subject to all of its terms until the Assured has had a reasonable opportunity to forward the goods to their intended destination, or substituted destination, or to dispose of said goods at port of landing. In the event that prior to the termination of this insurance said goods are forwarded to substituted destination as aforesaid this policy shall continue to cover, subject to its terms, to such substituted destination without further additional premium. This insurance shall also continue in force as aforesaid if the merchandise insured hereunder subsequent to attachment of this insurance is discharged at the port of loading but only provided that at the time of such discharge title to and interest in the goods is vested in a citizen of the United States, and such insurance shall terminate if at any time during the continuance of such insurance as aforesaid title to and interest in the goods shall no longer be vested in a citizen of the United States."

§ 305.44 Standard Form of Warship-opencargo Policy.

UNITED STATES OF AMERICA

WAR SHIPPING ADMINISTRATION

Form of Policy

Part II

1. This insurance is only against the risks of capture, seizure, destruction, or damage by men of war, piracy, takings at sea, arrests, restraints and detentions, and other warlike operations and acts of kings, princes, and peoples in prosecution of hostilities or in the application of sanctions under international agreements, whether before or after declaration of war and whether by a belligerent or otherwise, including factions engaged in civil war, revolution, rebellion or insurrection, or civil strife arising therefrom, and including the risks of aerial bombardment, floating or stationary mines, and stray or derelict torpedoes; but excluding claims for delay, deterioration and/or loss of market, and warranted not to abandon (on any ground other than physical damage to ship or cargo) until after condemnation of the property insured. Also warranted not to abandon in case of blockade, and free from any claims for loss or expense in consequence of blockade or of any attempt to evade blockade; but in the event of blockade, to be at liberty to proceed to an open port and there end the voyage.

2. Warranted free from any claim based upon loss of, or frustration of, the insured voyage or adventure caused by arrests, restraints or detentions.

3. This insurance does not cover any loss or damage caused by or resulting from any of the following causes:

(a) Commandeering, preemption, requisition, or nationalization by the government (de facto or otherwise) of the country to or from which the goods are insured.

(b) Seizure or destruction under quarantine or customs regulations.

(c) Capture, seizure, arrest, restraint, detention, or condemnation by the Government of the United States of America, or of any State, territory, or possession thereof, or by any government which is or may become party signatory of the "United Nations Pact" promulgated on or about January 2, 1942.

4. This insurance shall not attach to the interest hereby insured or to any part thereof:

(a) Prior to being on board an overseas vessel (for the purpose of this clause 4 an overseas vessel shall be deemed to mean a

vessel carrying the interest from one port or place to another where such voyage involves a sea passage by that vessel);

(b) after being discharged overside from an overseas vessel at the final port of discharge, or after expiry of fifteen days counting from midnight of the day on which the overseas vessel is safely anchored or moored at the final port of discharge, whichever shall first occur;

(c) at a port or place of transshipment to another overseas vessel after the expiry of fifteen days (counting from midnight of the day on which the overseas vessel entering with the interest is safely anchored or moored) until the interest is on board the oncarrying overseas vessel.

In the event of the exercise of any liberty granted to the Shipowner or Charterer under the contract of affreightment whereby such contract is terminated at a port or place other than the destination named therein such port or place shall be deemed the final port of discharge for the purpose of this clause 4.

5. Subject to the terms of clause 4 above and to any conditions or warranties which may be endorsed hereon, it is agreed that this insurance shall not be vitiated by deviation, overcarriage, change of voyage, or by any error or unintentional omission in the description of interest, vessel or voyage, provided the same be communicated to the War Shipping Administration as soon as known to the Assured and an additional premium paid if required.

6. And in case of any loss or misfortune, it shall be lawful and necessary to and for the Assured, his or their factors, servants and assigns, to sue, labor, and travel for, in and about the defense, safeguard, and recovery of the said goods and merchandise, or any part thereof without prejudice to this insurance; nor shall the acts of the Assured or Assurers, in recovering, saving, and preserving the property insured, in case of disaster, be considered a waiver or an acceptance of an abandonment; and to the charges whereof, the said Assures will contribute according to the rate and quantity of the sum hereby insured.

7. General Average and salvage charges (resulting from a peril hereby insured against) payable according to Foreign Statement or York-Antwerp Rules if in accordance with the contract of affreightment.

8. Notwithstanding anything to the contrary contained in this Policy, it is understood and agreed:

(a) That no claim for freight, storage, or other expense due to the requisition or commandeering of the title or use of any vessel by or with the consent of the country whose flag she flies shall be payable under this insurance, and if as a result of such requisition or commandeering the insured cargo is discharged at a port or place other than the port or place of destination, the port or place of discharge shall be deemed a port or place of transshipment within the meaning of clause 4 (c) of this Policy.

(b) That if any vessel shall be ordered into or detained in any port by the United States Government or by any government which is or may become party signatory of the "United Nations Pact" and the goods hereby insured shall be discharged at such port, then, if the goods be not the subject of proceedings of the nature set forth in clause 3 (a), such port or place of discharge shall be deemed a port or place of transshipment within the meaning of clause 4 (c) of this Policy.

9. If the ordinary course of transit of the goods hereby insured is interrupted or terminated by the shipper, consignee, or assured or any party acting on their behalf, this insurance shall forthwith terminate unless otherwise specially agreed by the War Shipping Administration.

10. This insurance shall include loss, damage or destruction of the property insured caused by saboteurs or other enemy agents.

11. It is a condition of this insurance that with respect to all risks coming within the scope of this Policy, the Assured shall file with the Underwriting Agent Provisional Reports in the manner and form required by such regulations as may be promulgated by the War Shipping Administration from time to time.

12. It is warranted that not later than the 25th day of each month, the Assured will file with the Underwriting Agent closing reports in the manner and form required by such regulations as may be promulgated by the War Shipping Administration from time to time of all shipments coming within the scope of this policy:

(1) Which have arrived at port of destination in the Continental United States during the preceding month, and.

(2) With respect to which inability to so arrive is by reason of loss, frustration, or other similar cause, comes to the knowledge of the Assured during the preceding month.

And will pay premium thereon at the rate prescribed by the War Shipping Administration and in effect:

a. On date of Ocean Bill of Lading, or
b. If Ocean Bill of Lading not issued, on date of equivalent shipping document, or
c. If no Ocean Bill of Lading or equivalent shipping document issued, or if same are undated, on date goods are laden on overseas vessel.

13. It is warranted that the Assured will at all times maintain with the War Shipping Administration a Collateral Deposit Fund sufficient in amount to satisfy all premiums due under this Policy with respect to risks which have attached hereunder and upon which premiums have not already been paid, or that in lieu of such Collateral Deposit Fund a surety bond in form prescribed by the War Shipping Administration will be filed with the Underwriting Agent and maintained in full force and effect. If at any time the Collateral Deposit Fund or surety bond is not sufficient to cover all shipments at risk hereunder on which the premium has not been paid, all shipments which would otherwise become at risk hereunder after the said bond or fund is exhausted shall be excluded from any coverage under this Policy. Such collateral deposit fund or surety bond must be maintained in accordance with all rules and regulations of the War Shipping Administration.

14. The Assured warrant and agree that it will regularly keep books, records and accounts in such manner and form that all information available to the Assured as to the amounts at risk and the amounts of losses incurred and premiums due can be readily ascertained therefrom by the War Shipping Administration. The Assured, as often as may be reasonably required, shall exhibit such books, records and accounts to any person designated by the War Shipping Administration, and submit to examinations under oath by any person named by the War Shipping Administration, and subscribe the same.

15. This insurance shall not be invalidated by any error or omission in the filing of Provisional or Closing Reports which is demonstrated to the satisfaction of the Administrator to have been inadvertent or unintentional, or by any failure to report which is demonstrated to the satisfaction of the Administrator to have arisen from causes beyond control of the Assured.

§ 305.45 *Standard form of surety bond.*

Know all men by these presents, that we _____ of _____, as Principal, and _____, as Surety, are held

and firmly bound unto War Shipping Administration in the sum of _____ (\$_____) Dollars, to the payment of which we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors and assigns.

The condition of this obligation is such that whereas War Shipping Administration has issued and delivered to _____ Principal, on the _____ day of _____ 1942, that certain Open War Risk Insurance Policy # _____, and _____

Whereas War Shipping Administration has agreed to accept this bond as a guarantee of the payment of all premiums due and payable under the terms and conditions of such Open War Risk Insurance Policy # _____, or endorsements thereto or modifications thereof whether or not consented to by the Surety.

Now, therefore, if the Principal shall well and truly pay unto War Shipping Administration the premiums due under the said Open War Risk Insurance Policy at the times and in the manner provided therefor in said Policy, then this obligation is to be void; otherwise to remain in full force and effect;

Provided, however, This bond is executed by the Surety, upon the following express conditions, which shall be precedent to the right of recovery hereunder.

1. If the Principal shall fail to file with the Underwriting Agent of the War Shipping Administration on or before the 25th day of each month during which this bond is in effect, a sworn statement of values of import shipments covered under the policy during the preceding calendar month and concurrently therewith pay to War Shipping Administration the premiums called for by said sworn statement, then the War Shipping Administration shall so notify the Surety as soon as practicable but in no event later than 45 days from date such sworn statement is due; and, in such event the Surety shall not be liable for any premiums accruing on risks attaching subsequent to date of such notice under said Open War Risk Insurance Policy.

2. This bond may be cancelled by either the Principal or the Surety at any time upon fifteen days (15) written or telegraphic notice to the Director of Wartime Insurance of War Shipping Administration at Washington, D. C., but such cancellation shall not affect the liability of the Principal and the Surety hereunder for premiums on risks attaching on or prior to expiration of said fifteen (15) days period.

In witness whereof, the above-bounden parties have executed this instrument under their several seals this _____ day of _____ 19____, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

By _____
By _____
Resident Vice President.

Attest _____
Attest _____
Resident Assistant Secretary.

(j) The provisions of this Supplement No. 1 of General Order No. 6 shall govern all transactions falling within its scope, anything to the contrary in said General Order No. 6 notwithstanding, but nothing herein shall be construed to affect the provisions of such General Order No. 6 as the same may be applicable to other insurance transactions.

(k) Amendments to these rules and to the standard forms may be made from time to time in the form of supplements to this general order. Such supplements,

unless otherwise specified, shall become effective 48 hours after the date of publication of such supplement in the FEDERAL REGISTER.

NOTE.—Copies of "Warshipopencargo" Policy may be obtained from the War Shipping Administration, Washington, D. C.

By order of the War Shipping Administration,

[SEAL]

W. C. PEET, Jr.,
Secretary.

[F. R. Doc. 42-7329; Filed, July 29, 1942;
11:31 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Permit O.D.T. No. 17-2]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—PERMITS

SUBPART K—MOTOR CARRIERS OF PROPERTY DELIVERIES OF SOLID FUELS

In accordance with the provisions of General Order O.D.T. No. 17, Title 49, Chapter II, Part 501, Subpart K, § 501.71, *It is hereby authorized, That:*

§ 521.2876 *Deliveries of solid fuels.* Any motor carrier when operating a motor truck engaged exclusively in the delivery of solid fuel, in lieu of including the mileage of such motor truck in the total mileage of motor trucks operated by such carrier in an operating unit during any calendar month subject to the mileage reduction prescribed by § 501.67 of General Order O.D.T. No. 17, may elect to adjust the operations of such motor truck so as to effect a reduction in the mileage per ton of solid fuels delivered in any calendar month in an amount equal to at least twenty-five (25) per cent of its average monthly mileage per ton of solid fuel delivered during the calendar year of 1941. In the event such carrier was not engaged in making deliveries of solid fuel during the corresponding month of 1941, the mileage per ton of solid fuel delivered by such carrier during the month of May, 1942, shall be used as a basis for computing the required mileage per ton reduction of any motor truck so operated. (E.O. 8989, 6 F.R. 6725; E.O. 9156, 7 F.R. 3349; Gen. Order O.D.T. No. 17, 7 F.R. 5678)

This General Permit shall become effective August 1, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C. this 29th day of July 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-7293; Filed, July 29, 1942;
9:39 a. m.]

17 F.R. 5678.

[General Permit O.D.T. No. 17-3]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—PERMITS

SUBPART K—MOTOR CARRIERS OF PROPERTY DELIVERIES OF NEWSPAPERS

In accordance with the provisions of General Order O.D.T. No. 17, Title 49, Chapter II, Part 501, Subpart K, § 501.71, *It is hereby authorized, That:*

§ 521.2877 *Deliveries of newspapers.* (a) Any motor carrier when operating a motor truck engaged exclusively in the transportation and delivery of newspapers and while returning such truck to its terminal or base of operation is hereby relieved from compliance with the provisions of paragraph (a) of § 501.69 of General Order O.D.T. No. 17.

(b) Notwithstanding the provisions of paragraph (c) of § 501.68 of General Order O.D.T. No. 17, any motor carrier when operating a motor truck may make one delivery of morning newspapers and one delivery of afternoon newspapers during any calendar day.

(c) Any motor carrier when operating a motor truck engaged in the transportation and delivery of newspapers in any area which is located in a metropolitan district having a population of 200,000 or more, as determined by pamphlet "PH-1" entitled "Population and Housing Units in the Metropolitan Districts of the United States, 1940" issued by the Bureau of the Census, Department of Commerce of the United States, in lieu of compliance with the provisions of paragraph (c) of § 501.68 of General Order O.D.T. No. 17, and paragraph (b) of this General Permit, may elect to make deliveries of newspapers in any one calendar day in numbers not exceeding those set forth in the following schedule:

| In areas containing a metropolitan district having a population | Number of deliveries | |
|---|----------------------|----------------------|
| | Morning newspapers | Afternoon newspapers |
| From 200,000 to 600,000..... | 2 | 2 |
| From 600,000 to 2,000,000..... | 3 | 3 |
| Over 2,000,000..... | 4 | 4 |

(d) Any motor carrier when operating a motor truck or trucks engaged exclusively in the transportation and delivery of newspapers, if such carrier shall not have elected to comply with the provisions of paragraph (b) or (c) of this General Permit, in lieu of including the mileage of such truck or trucks in the total mileage of motor trucks operated by such carrier in any operating unit during any calendar month subject to the mileage reduction prescribed by § 501.67 of General Order O.D.T. No. 17, and in lieu of compliance with the provision of paragraph (c) of § 501.68 of General Order O.D.T. No. 17, may elect to adjust the operations of such truck or trucks so as to effect a reduction in

the mileage operated by such truck or trucks in any calendar month in an amount equal to at least forty (40) per cent of the total mileage operated by such truck or trucks during the corresponding calendar month of 1941, exclusive of the mileage eliminated by compliance with the provisions of paragraphs (a) and (b) of § 501.68 of General Order O.D.T. No. 17. In the event such carrier was not engaged in the transportation and delivery of newspapers in such operating unit during the corresponding month of 1941, the mileage operated by such truck or trucks during the month of May, 1942, shall be used as a basis for computing the required mileage reduction. (E.O. 8989, 6 F.R. 6725; E.O. 9156, 7 F.R. 3349; Gen. Order O.D.T. No. 17, 7 F.R. 5678)

This General Permit shall become effective August 1, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C., this 29th day of July 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-7294; Filed, July 29, 1942;
9:39 a. m.]

[General Permit O.D.T. No. 17-4]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—PERMITS

SUBPART K—MOTOR CARRIERS OF PROPERTY DELIVERIES TO VESSELS

In accordance with the provisions of General Order O.D.T. No. 17, Title 49, Chapter II, Part 501, Subpart K, § 501.71, *It is hereby authorized, That:*

§ 501.2878 *Definitions.* As used herein, the term "vessel" means any watercraft or other artificial contrivance of whatever description which is used, or is capable of being, or is intended to be, used as a means of transportation by water.

§ 501.2879 *Deliveries to vessels.* Any motor carrier when operating a motor truck in local delivery service and engaged in making deliveries to a vessel which is being supplied, repaired, loaded or unloaded, is hereby relieved, in respect of such operation, from compliance with the provisions of paragraphs (a) and (c) of § 501.68 of General Order O.D.T. No. 17. (E.O. 8989, 6 F.R. 6725; E.O. 9156, 7 F.R. 3349; Gen. Order O.D.T. No. 17, 7 F.R. 5678)

This General Permit shall become effective August 1, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C., this 29th day of July 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-7295; Filed, July 29, 1942;
9:39 a. m.]

[General Permit O.D.T. No. 17-5]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—PERMITS

SUBPART K—MOTOR CARRIERS OF PROPERTY
TRANSPORTATION OF MINE PRODUCTS

In accordance with the provisions of General Order O.D.T. No. 17,¹ Title 49, Chapter II, Part 501, Subpart K, § 501.71, *It is hereby authorized, That:*

§ 521.2880 *Transportation of mine products.* Any motor carrier when operating a motor truck engaged exclusively in the transportation of the products of a mining, smelting, or refining enterprise, if such enterprise is operating under a Preference Rating Order or a Certificate of Operation issued by the War Production Board, from a mine to the preparing, smelting, or refining facilities or to the nearest adequate rail or water shipping point, or between preparing, smelting, or refining facilities, or when operating a motor truck engaged exclusively in the transportation of the waste products of such a mining, smelting, or refining enterprise from the mine, preparing, smelting, or refining facilities to the point of disposal of such waste products, is hereby relieved, in respect of trucks engaged in such transportation, from compliance with the provisions of § 501.67 and subparagraph (2) of paragraph (a) of § 501.69 of General Order O.D.T. No. 17. (E.O. 8989 6 F.R. 6725; E.O. 9156, 7 F.R. 3349; Gen. Order O.D.T. No. 17, 7 F.R. 5678)

This General Permit shall become effective August 1, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C., this 29th day of July 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-7296; Filed, July 29, 1942;
9:40 a. m.]

[General Permit O.D.T. No. 17-6]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—PERMITS

SUBPART K—MOTOR CARRIERS OF PROPERTY
TRANSPORTATION OF ICE

In accordance with the provisions of General Order O.D.T. No. 17,¹ Title 49, Chapter II, Part 501, Subpart K, § 501.71, *It is hereby authorized, That:*

§ 521.2881 *Transportation of ice.* Notwithstanding the provisions of paragraph (c) of § 501.68 of General Order O.D.T. No. 17, any motor carrier when operating a motor truck in local delivery service and engaged in the transportation and delivery of ice may make more than one delivery of ice to any carrier, whether by rail, water, air, or motor vehicle in any one calendar day, and may make two deliveries of ice to any industrial air conditioning plant or to any retail dealer in ice in any one calendar

¹ 7 F.R. 5678.

day. (E.O. 8989, 6 F.R. 6725; E.O. 9156, 7 F.R. 3349; Gen. Order O.D.T. No. 17, 7 F.R. 5678)

This General Permit shall become effective August 1, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C., this 29th day of July 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-7297; Filed, July 29, 1942;
9:40 a. m.]

[General Permit O.D.T. No. 17-7]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—PERMITS

SUBPART K—MOTOR CARRIERS OF PROPERTY
TRANSPORTATION OF RUBBER AND METAL SCRAP

In accordance with the provisions of General Order O.D.T. No. 17,¹ Title 49, Chapter II, Part 501, Subpart K, § 501.71, *It is hereby authorized, That:*

§ 521.2882 *Transportation of rubber and metal scrap.* Any motor carrier when operating a motor truck engaged in the transportation of rubber scrap or ferrous or non-ferrous metal scrap to a manufacturing or processing plant, or to a person who sorts, segregates or prepares such scrap, or to a rail, water, or motor shipping point, is hereby relieved, in respect of trucks engaged in such transportation, from compliance with the provisions of § 501.67 and subparagraph (2) of paragraph (a) of § 501.69. (E.O. 8989, 6 F.R. 6725; E.O. 9156, 7 F.R. 3349; Gen. Order O.D.T. No. 17, 7 F.R. 5678)

This General Permit shall become effective August 1, 1942, and shall remain in full force and effect until October 31, 1942, unless otherwise ordered by this Office.

Issued at Washington, D. C., this 29th day of July 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-7298; Filed, July 29, 1942;
9:41 a. m.]

[General Permit O.D.T. No. 17-8]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—PERMITS

SUBPART K—MOTOR CARRIERS OF PROPERTY
TRANSPORTATION OF PREPARED FOODS TO RESTAURANTS

In accordance with the provisions of General Order O.D.T. No. 17,¹ Title 49, Chapter II, Part 501, Subpart K, § 501.71, *It is hereby authorized, That:*

§ 521.2883 *Transportation of prepared foods to restaurants.* Notwithstanding the provisions of paragraph (c) of § 501.68 of General Order O.D.T. No. 17, any motor carrier when operating a motor truck in local delivery service may make three deliveries in any one calendar

day of prepared foods or their containers between any establishment in which such foods are prepared for consumption and any restaurant, if such motor carrier is the owner and operator of such establishment and of such restaurant. (E.O. 8989, 6 F.R. 6725; E.O. 9156, 7 F.R. 3349; Gen. Order O.D.T. No. 17, 7 F.R. 5678)

This General Permit shall become effective August 1, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C., this 29th day of July 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-7299; Filed, July 29, 1942;
9:41 a. m.]

[General Permit O.D.T. No. 17-9]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—PERMITS

SUBPART K—MOTOR CARRIERS OF PROPERTY
TRANSPORTATION OF COPY, PROOFS OR TRACINGS

In accordance with the provisions of General Order O.D.T. No. 17,¹ Title 49, Chapter II, Part 501, Subpart K, § 501.71, *It is hereby authorized, That:*

§ 521.2884 *Transportation of copy, proofs or tracings.* Notwithstanding the provisions of paragraph (c) of § 501.68 of General Order O.D.T. No. 17, any motor carrier operating a motor truck in local delivery service when such truck is engaged exclusively in the transportation of copy, proofs, tracings, or any other unfinished product for printing, blue printing, electrotyping, stereotyping, mimeographing or other similar process, (not including, however, supplies or any finished product) may make three deliveries of such unfinished products in any one calendar day. (E.O. 8989, 6 F.R. 6725; E.O. 9156, 7 F.R. 3349; Gen. Order O.D.T. No. 17, 7 F.R. 5678)

This General Permit shall become effective August 1, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C., this 29th day of July 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-7300; Filed, July 29, 1942;
9:41 a. m.]

[General Permit O.D.T. No. 17-10]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—PERMITS

SUBPART K—MOTOR CARRIERS OF PROPERTY
TRANSPORTATION OF BAKERY PRODUCTS

In accordance with the provisions of General Order O.D.T. No. 17,¹ Title 49, Chapter II, Part 501, Subpart K, § 501.71, *It is hereby authorized, That:*

§ 521.2885 *Transportation of bakery products.* Notwithstanding the provisions of paragraph (c) of § 501.68 of General Order O.D.T. No. 17, any motor carrier when operating a motor truck in local delivery service may make three deliveries in any one calendar day of bakery products from a bakery to a retail store at which such bakery products are sold, if such motor carrier is the owner and operator of such bakery and of such store and if seventy-five (75) per cent of such bakery products are transported unwrapped. (E.O. 8989, 6 F.R. 6725; E.O. 9156, 7 F.R. 3349; Gen. Order O.D.T. No. 17, 7 F.R. 5678)

This General Permit shall become effective August 1, 1942, and shall remain in full force and effect until further order of this Office.

Issued at Washington, D. C., this 29th day of July 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-7301; Filed, July 29, 1942; 9:41 a. m.]

[Exception Order O.D.T. 16-1]

PART 522—DIRECTION OF TRAFFIC MOVEMENT: EXCEPTIONS AND PERMITS

SUBPART F—FREIGHT SHIPMENTS VIA PORTS IN THE UNITED STATES

EXCEPTIONS FOR CERTAIN COMMODITIES

Pursuant to the authority conferred by General Order O.D.T. No. 16,¹ Title 49, Chapter II, § 502.48 (a):

It is hereby ordered, That:

§ 522.650 *Exception Order 16-1.* The provisions of General Order O.D.T. No. 16 shall be suspended with respect to the acceptance for and transportation of the following export freight, overseas freight, and commercial freight:

(a) Grain in bulk, soy beans, flaxseed, and malt to elevators located at Houston, Galveston, and Texas City, Texas;

(b) Grain in bulk, soy beans, flaxseed, and malt to an elevator located at any United States port other than those mentioned in paragraph (a) hereof when the carrier has made prior inquiry and ascertained that adequate storage or handling facilities are available at such elevator;

(c) Coal or coke destined for shipment by water to United States ports when such coal or coke may be handled at the port from which shipment by water is to be made over a dumping machine or trestles located at tidewater;

(d) Any property to ports on the Great Lakes;

(e) Any property consigned to supply officers of the United States Navy at freight terminals or Navy Yards or to supply depots controlled and operated by the United States Navy and located in any port area;

(f) Military impedimenta moving in conjunction with military forces to a point of embarkation.

¹F.R. 5194.

This subpart shall become effective on July 28, 1942, and shall remain in full force and effect until further order.

Issued at Washington, D. C., this 28th day of July 1942.

V. V. BOATNER,
Director of Railway Transport.
HENRY F. MCCARTHY,
Director of Traffic Movement.

[F. R. Doc. 42-7303; Filed, July 29, 1942; 10:42 a. m.]

Notices

TREASURY DEPARTMENT.

Fiscal Service: Bureau of Accounts.

[1942, Dept. Clrc. 630]

INLAND BONDING COMPANY

TERMINATION OF AUTHORITY TO QUALIFY AS SURETY ON FEDERAL BONDS

JULY 27, 1942.

Notice is hereby given that the certificate of authority issued by the Secretary of the Treasury to the Inland Bonding Company, South Bend, Indiana, under the provisions of the Act of Congress approved August 13, 1894, 28 Stat. 279-80, as amended by the Act of Congress approved March 23, 1910, 36 Stat. 241, (U. S. Code, title 6, secs. 6-13) to qualify as sole surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States, terminates on this date.

The Inland Bonding Company received its initial authority from the Treasury to do business with the United States on February 23, 1926 and remained continuously so qualified until this date, and the company has requested permission from the Treasury to voluntarily retire from the execution of any new business in favor of the United States.

In order that there may be a coordinated record showing the status of outstanding bonds of this company as of this date in favor of the United States, bond-approving officers are requested, upon the receipt of this Circular, to carefully examine the records of their offices and report promptly to the Section of Surety Bonds, Bureau of Accounts, Treasury Department, all outstanding bonds accepted by them and executed by the Inland Bonding Company as surety or co-surety on which the liability of the company has not terminated.

It is also requested that the Section of Surety Bonds be advised as expeditiously as possible as to all facts, in detail, relating to any existing claim, or with respect to the occurrence of any event or the existence of any circumstance which may hereafter result in a claim against the Inland Bonding Company.

In furnishing the above information bond-approving officers will please give the name of the principal on the bond, the date and penalty of the bond, and with respect to claims, the nature of the claim, the circumstances out of which it

arose, and its status at the time of the report.

Bond-approving officers and other agents of the Government charged with the duty of taking bonds, recognizances, stipulations or undertakings should proceed immediately to secure new bonds, where necessary, with acceptable sureties, in lieu of bonds executed or reinsured by the Inland Bonding Company.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 42-7303; Filed, July 29, 1942; 9:44 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-67]

PARIS MARTIN, CODE MEMBER

AMENDED NOTICE OF AND ORDER FOR HEARING

A complaint dated October 2, 1941, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed with the Bituminous Coal Division (the "Division") on October 4, 1941, by the Bituminous Coal Producers Board for District No. 8 (the "Complainant") alleging wilful violation by the defendant of the Bituminous Coal Code (the "Code") and the minimum prices effective thereunder; and

The complaint in the above-entitled matter having been scheduled for hearing on January 13, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Court Room, City Hall, Middlesboro, Kentucky, by Order of the Director dated November 22, 1941, and subsequently having been postponed by an Order of the Acting Director dated January 10, 1942, to a date and hearing room to be thereafter designated by an appropriate order; and

An amended complaint having been duly filed with the Division by the complainant in the above-entitled matter pursuant to order issued herein by the Acting Director on July 11, 1942 (the complaint and amended complaint herein being hereinafter referred to as the "complaint"); and

It appearing to the Acting Director that the place and date of hearing on the complaint should now be designated;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 19, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Court House, Middlesboro, Kentucky.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any

adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging that Paris Martin of Middlesboro, Kentucky, a code member, whose code membership became effective as of February 12, 1938, operating the Blue Gem Mine, Mine Index No. 1531, located in Bell County, Kentucky, District No. 8:

(1) Wilfully violated the Code and the effective minimum prices by selling and delivering on or about April 28, 1941, to Golie Shoffner and H. L. Matlock of Middlesboro, Kentucky, approximately

296.05 tons of $\frac{3}{8}$ " x 0 coal (Size Group 8) produced at the above-named mine at a price of approximately 34¢ per ton f. o. b. the mine for truck shipment, whereas the established minimum price for said coal was \$1.50 per net ton f. o. b. the mine as set forth in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipment.

(2) Wilfully violated the Order of the Director in General Docket No. 19, dated October 9, 1940, by selling and delivering for shipment by rail on or about April 28, 1941, to Golie Shoffner and H. L. Matlock of Middlesboro, Kentucky, approximately 296.05 tons of $\frac{3}{8}$ " x 0 slack coal produced at the above-named mine, whereas prices, temporary or final, had not been established by the Division for said coal.

Dated: July 28, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-7311; Filed, July 29, 1942;
10:59 a. m.]

[Docket No. B-125]

J. T. DANIELS, CODE MEMBER

AMENDED NOTICE OF AND ORDER FOR HEARING

A complaint dated September 17, 1941, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed with the Bituminous Coal Division (the "Division") on September 24, 1941, by the Bituminous Coal Producers Board for District No. 8 (the "Complainant") alleging wilful violation by the defendant of the Bituminous Coal Code (the "Code") and the minimum prices effective thereunder; and

The complaint in the above-entitled matter having been scheduled for hearing on January 19, 1942 at 10 a. m., at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky, by Order of the Director dated November 22, 1941 and subsequently having been postponed by Order of the Acting Director dated January 10, 1942, to a date and hearing room to be thereafter designated by an appropriate order; and

An amended complaint having been duly filed with the Division by the complainant in the above-entitled matter pursuant to order issued herein by the Acting Director on July 11, 1942 (the complaint and amended complaint herein being hereinafter referred to as the "complaint"); and

It appearing to the Acting Director that the place and date of hearing on the complaint should now be designated;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 19, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Court House, Middlesboro, Kentucky.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated

to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division within twenty (20) days after notice of service thereof on the Code member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging that J. T. Daniels of Jettie, Kentucky, a code member, whose code membership became effective as of May 17, 1941, operating the Daniels Mine, Mine Index No. 646, located in Pike County, Kentucky, District No. 8:

(1) Wilfully violated section 4 II (e) of the Act and Paragraph A (5) of the Price Instructions as set forth in the Schedule of Effective Minimum Prices for Truck Shipment for District No. 8 by selling and delivering on or about July 17, 1941, to the Shelby Steam Coal Company at Shelbyana, Kentucky, approximately 8 tons of high volatile straight run of mine coal produced at the above-named mine at a truck delivered price of \$2.00 per ton f. o. b. railroad cars at Shelbyana, Kentucky, whereas the established minimum price for said coal, as set forth in the above-named Schedule, was \$2.10 per net ton f. o. b. the mine and the actual cost of transportation from the defendant's mine to the point of delivery was approximately 15 cents per net ton.

(2) Wilfully violated the Order of the Director in General Docket No. 19, dated October 9, 1940, by selling and delivering for shipment by rail on or about July 17, 1941, to the Shelby Steam Coal Company of Shelbyana, Kentucky approximately 8 tons of straight mine run coal produced at the above-named mine, whereas prices, temporary or final, had not been established by the Division for said coal.

(3) Wilfully violated section 4 II (e) of the Act and Paragraph A (5) of the Price Instructions as set forth in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipment, by selling and delivering on or about July 18, 1941, to the Shelby Steam Coal Company of Shelbyana, Kentucky, approximately 6 tons of high volatile straight mine run coal produced at the above-named mine at a price of approximately \$2.00 per net ton f. o. b. the railroad cars at Shelbyana, Kentucky, whereas the established minimum price for said coal was \$2.10 per net ton f. o. b. the mine, as set forth in the above-named Schedule and the actual transportation charges from the defendant's mine to the point of delivery being approximately 15 cents per net ton.

(4) Wilfully violated the Order of the Director in General Docket No. 19, dated October 9, 1940, by selling and delivering for shipment by rail on or about July 18, 1941, to the Shelby Steam Coal Company of Shelbyana, Kentucky, approximately 6 tons of straight mine run coal, produced at the above-named mine, whereas prices, temporary or final, had not been established by the Division for said coal.

(5) Wilfully violated the Code, section 4 II (e) of the Act and Paragraph A (5) of the Price Instructions, as set forth in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipment, by selling and delivering on or about July 21, 1941, to the Shelby Steam Coal Company of Shelbyana, Kentucky, approximately 4 tons of high volatile straight mine run coal produced at the above-named mine at a price of approximately \$2.00 per net ton f. o. b. railroad cars at Shelbyana, Kentucky, whereas the established minimum price for said coal was \$2.10 per net ton f. o. b. the mine, as set forth in the above-named Schedule and the actual transportation charges from the defendant's mines to the point

of delivery being approximately 15 cents per net ton.

(6) Wilfully violated the Order of the Director in General Docket No. 19, dated October 9, 1940, by selling and delivering for shipment by rail on or about July 21, 1941, to the Shelby Steam Coal Company of Shelbyana, Kentucky, approximately 4 tons of straight mine run coal produced at the above-named mine, whereas prices, temporary or final, had not been established by the Division for said coal.

Dated: July 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-7312; Filed, July 23, 1942;
10:59 a. m.]

[Docket No. B-231]

WHITE BROTHERS COAL CO.

NOTICE OF AND ORDER FOR HEARING

In the matter of Earl White and Reno White, individually and as co-partners, doing business under the name and style of White Brothers Coal Company, Code Member.

A complaint dated July 8, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on July 11, 1942, by the Bituminous Coal Producers Board for District No. 8, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Earl White and Reno White, individually and as co-partners, doing business as White Brothers Coal Company (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 25, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Post Office Building, Athens, Ohio.

It is further ordered, That W. A. Cuff, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging that Earl White and Reno White, individually and as co-partners, doing business under the name and style of White Brothers Coal Company, whose address is Nelsonville, Ohio, a code member, whose code membership became effective as of November 30, 1939, operating the Black Hawk Mine, Mine Index No. 802, located in Hocking County, Ohio, District No. 4, wilfully violated section 4 II (a) of the Act, Part II (a) of the Code, section 3 (b) of Order No. 397, dated December 11, 1940, and Order No. 303, dated January 14, 1941, by failing and refusing to file with the Statistical Bureau for District No. 4 for each month from and including January 1941 to and including June 1942 within five days after the end of each of said months reports of all sales made during each of said months of coal produced at its above-named mine, said coal being shipped by truck or wagon to various purchasers; and failing and refusing to file with the Statistical Bureau for said period copies of truck tickets, sales slips, invoices, and listing of said sales.

Dated: July 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-7313; Filed, July 23, 1942;
10:59 a. m.]

[Docket No. B-84]

JAMES R. FOLEY, CODE MEMBER

AMENDED NOTICE OF AND ORDER FOR
HEARING

A complaint dated October 13, 1941, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed with the Bituminous Coal Division (the "Division") on October 14, 1941, by the Bituminous Coal Producers Board for District No. 8 (the "Complainant") alleging wilful violation by the defendant of the Bituminous Coal Code (the "Code") and the minimum prices effective thereunder; and

The complaint in the above-entitled matter having been scheduled for hearing on January 15, 1942 at 10 a. m., at a hearing room of the Bituminous Coal Division at the Court Room, City Hall, Middlesboro, Kentucky, by Order of the Director dated November 22, 1941 and subsequently having been postponed by an Order of the Acting Director dated January 10, 1942, to a date and hearing room to be thereafter designated by an appropriate order; and

An amended complaint having been duly filed with the Division by the complainant in the above-entitled matter pursuant to order issued herein by the Acting Director on July 11, 1942 (the complaint and amended complaint herein being hereinafter referred to as the "complaint"); and

It appearing to the Acting Director that the place and date of hearing on the complaint should now be designated;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 18, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Court House, Middlesboro, Kentucky.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and Regulations made thereunder.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

— Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the amended complaint filed by the Complainant alleging that James R. Foley, of Barbourville, Kentucky, a code member, whose code membership became effective as of December 25, 1940, operating the Foley Mine, Mine Index No. 3487, located in Knox County, Kentucky, District No. 8:

(1) Wilfully violated the Code and the effective minimum prices by selling and delivering on or about April 1, 1941, to General Cooper of Woodbine, Kentucky, acting as agent for A. B. Farris and Roy Ferrell of Grays, Kentucky, approximately 366.55 tons of 2" and under nut and slack coal (Size Group 7), produced at the above-named mine at a price of approximately 10 cents per net ton f. o. b. the mine for truck shipment, whereas the established minimum price for said coal was \$1.55 per net ton f. o. b. the mine as set forth in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipment.

(2) Wilfully violated the Order of the Director in General Docket No. 19, dated October 9, 1940, by selling and delivering for shipment by rail on or about April 1, 1941, to General Cooper of Woodbine, Kentucky, acting as agent for A. B. Farris and Roy Ferrell of Grays, Kentucky, 366.55 tons of 2" and under slack coal, produced at the above-named mine,

whereas prices, temporary or final, had not been established by the Division for said coal.

(3) Wilfully violated the Code and the effective minimum prices by selling and delivering on or about April 20, 1941, to General Cooper of Woodbine, Kentucky, acting as agent of A. B. Farris and Roy Ferrell, of Grays, Kentucky, approximately 12 tons of 2" and under nut and slack coal (Size Group No. 7), produced at the above-named mine at a price of approximately 60 cents per net ton f. o. b. the mine for truck shipment, whereas the established minimum price for said coal was \$1.50 per net ton f. o. b. the mine as set forth in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipment.

(4) Wilfully violated the Order of the Director in General Docket No. 19, dated October 9, 1940, by selling and delivering for shipment by rail on or about April 20, 1941, to General Cooper of Woodbine, Kentucky, acting as agent for A. B. Farris and Roy Ferrell of Grays, Kentucky, approximately 12 tons of 2" and under nut and slack coal produced at the above-named mine, whereas prices, temporary or final, had not been established by the Division for said coal.

Dated July 28, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-7314; Filed, July 29, 1942;
11:00 a. m.]

[Docket No. B-71]

A. H. ENGLAND, CODE MEMBER

AMENDED NOTICE OF AND ORDER FOR HEARING

A complaint dated October 2, 1941, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been filed with the Bituminous Coal Division (the "Division") on October 4, 1941, by the Bituminous Coal Producers Board for District No. 8 (the "Complainant") alleging wilful violation by the defendant of the Bituminous Coal Code (the "Code") and the minimum prices effective thereunder; and

The complaint in the above-entitled matter having been scheduled for hearing on January 13, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Court Room, City Hall, Middlesboro, Kentucky, by Order of the Director dated November 22, 1941, and subsequently having been postponed by an Order of the Acting Director dated January 10, 1942, to a date and hearing room to be thereafter designated by an appropriate order; and

An amended complaint having been duly filed with the Division by the complainant in the above-entitled matter pursuant to order issued herein by the Acting Director on July 11, 1942 (the complaint and amended complaint herein being hereinafter referred to as the "complaint"); and

It appearing to the Acting Director that the place and date of hearing on the complaint should now be designated;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 18, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Court House, Middlesboro, Kentucky.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure. Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days

after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complaint alleging that A. H. England of Middlesboro, Kentucky, a code member, whose code membership became effective as of June 4, 1940, operating the A. H. England Mine, Mine Index No. 2747, located at Yellow Creek in Bell County, Kentucky, District No. 8:

(1) Wilfully violated the Code and the effective minimum prices by selling and delivering on or about May 24, 1941, to Golle Shoffner and H. L. Matlock of Middlesboro, Kentucky, approximately 150 tons of $\frac{3}{8}$ " x 0 (Size Group No. 8) slack coal and approximately 50 tons of 2" (Size Group No. 7) nut and slack coal produced at the above-named mine, at a price of approximately 57.5 cents per net ton f. o. b. the mine for truck shipment, whereas, the established minimum price for said coals was \$1.50 per net ton f. o. b. the mine as set forth in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipment.

(2) Wilfully violated the Order of the Director in General Docket No. 19 dated October 9, 1940, by selling and delivering for shipment by rail on or about May 24, 1941, to Golle Shoffner and H. L. Matlock of Middlesboro, Kentucky, approximately 150 tons of $\frac{3}{8}$ " x 0 slack coal and approximately 50 tons of 2" nut and slack coal produced at the above-named mine, whereas prices, temporary or final, had not been established by the Division for said coal.

Dated July 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-7316; Filed, July 29, 1942;
11:00 a. m.]

DEPARTMENT OF LABOR.

Office of the Secretary.

[Administrative Order 101]

WAGE ADJUSTMENT BOARD

ESTABLISHMENT

The government agencies in charge of building and construction work essential to the successful prosecution of the war and the Building and Construction Trades Department of the American Federation of Labor agreed on May 22, 1942, subject to annual renewals, to stabilize wage rates for the duration of the war at the level in effect on July 1, 1942, and that a Wage Adjustment Board would be created to determine whether any wage adjustment should be made when it is claimed that such a wage rate is inadequate. A copy of the agreement is attached as an annex to this order. The President of the United States, by memorandum of May 14, 1942 directed the Secretary of Labor to create the Wage Adjustment Board and give to it such service and assistance as is required.

Therefore, to accomplish the purpose of the Act of March 3, 1931, as amended by the Act of August 30, 1935, and of section 1(a) of the Act of January 30,

1942 (Pub. No. 421, 77th Cong.), and to provide machinery for the wage stabilization agreement of the international and national labor organizations in the building construction industry, it is hereby ordered:

(a) The Wage Adjustment Board for the Building Construction Industry, hereafter called the Board, is established in the United States Department of Labor. The Board shall consist of a chairman, to be appointed from the Department of Labor, and of three representatives of the contracting agencies of the United States and of three representatives of the labor organizations in the building construction industry, to be named by me from time to time. A majority of members of the Board shall constitute a quorum.

(b) The Board shall have power to investigate and to recommend an adjustment of wage rates under the above agreement of the labor organizations in the building construction industry. It shall consider requests for wage adjustments when presented by local labor organizations with the approval of the international or national labor organization and submitted through and approved by the Building Trades Department of the American Federation of Labor. It shall have power to make the necessary rule of procedure. The Board's recommendation with respect to a request for wage adjustment shall be transmitted to the Secretary of Labor, to the Building Trades Department, and to any interested contracting agency of the United States.

(c) Upon request of the Board, the Solicitor of the Department of Labor shall conduct an investigation, hold any necessary hearings, and make a report to the Board as to the prevailing rates of wages for any or all classes of laborers and mechanics in the building construction industry in any locality, or as to the relation of such wage rates to those generally prevailing in the industry, trade or locality, or whether such wage rates do not sufficiently take into account any abnormal changes in conditions.

(d) In determining the prevailing rates of wages under the Act of March 3, 1931, as amended by the Act of August 30, 1935, I shall, unless compelling evidence to the contrary be presented, accept as prevailing those wage rates which were prevailing on July 1, 1942, unless adjusted by recommendation of the Board under paragraph 2 hereof.

FRANCES PERKINS,
Secretary of Labor.

MAY 29, 1942.

[F. R. Doc. 42-7267; Filed, July 28, 1942;
12:01 p. m.]

Office of the Solicitor.

MECHANICS, ETC., EMPLOYED BY GOVERNMENT NEAR LAS VEGAS, NEVADA

NOTICE OF HEARING

Notice is hereby given that requests for wage adjustments for the various classes of mechanics and laborers employed on

construction projects for the Federal Government in and around Las Vegas, Nevada, have been presented to the Wage Adjustment Board for the Building Construction Industry in the United States Department of Labor (created under the authority of the Secretary of Labor by Administrative Order No. 101). The requests for wage adjustments have been presented with the approval of the international and national labor organizations and have been submitted to the Board through, and are approved by, the Building Trades Department of the American Federation of Labor. Pursuant to paragraph 3 of said Administrative Order No. 101, the Board has requested the Solicitor of the Department of Labor to conduct an investigation, hold a hearing, and make a report to the Board in this matter.

Opportunity for hearing on this matter will be given at 10 o'clock a. m., Wednesday, August 5, 1942, in hearing room, Post Office and Court House Building, at Las Vegas, Nevada, before Mr. Reid Williams, referee, at which time and place all interested parties may appear and present testimony as to the prevailing rates of wages for the classes of laborers and mechanics in the Building Construction Industry in Las Vegas, Nevada, and vicinity, or as to the relation of such wage rates to those generally prevailing in the industry or trade, or whether such wage rates do not sufficiently take into account any abnormal changes in conditions in Las Vegas, Nevada, and vicinity.

Signed at Washington, D. C., this 28th day of July 1942.

WARNER W. GARDNER,
Solicitor.

[F. R. Doc. 42-7268; Filed, July 28, 1942;
12:01 p. m.]

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

NOTICE OF ISSUANCE

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under Section 6 of the Act are issued under Section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective July 30, 1942.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Cer-

tificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Southern Athletic Company, Inc., 1021 White Avenue, Knoxville, Tennessee; Manufacture of barrack bags and mattress covers; 10 percent; 6 weeks (240 hours) for any one learner; 30 cents per hour; September 24, 1942, for Sewing Machine Operators.

Signed at New York, N. Y., this 28th day of July 1942.

MERLE D. VINCENT,
Authorized Representative,
of the Administrator.

[F. R. Doc. 42-7303; Filed, July 29, 1942;
10:03 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

NOTICE OF ISSUANCE

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2246).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination

and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective July 30, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Carolina Handkerchief Company, Inc., West End, North Carolina; Civilian and Army Handkerchiefs; 4 learners (T); July 30, 1943.

Lansky Brothers, Inc., 210 Ellicott Street, Buffalo, New York; Men's Suits, Topcoats and Overcoats; 5 learners (T); July 30, 1943.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments

Brookshire Shirt Co., Inc., 19 Edson Street, Amsterdam, New York; Men's Sport Shirts; 10 percent (T); July 30, 1943.

Goldstone Bros. (Petaluma Mfg. Co.), 300 Main Street, Petaluma, California; Suits, Working One Piece, Herring Bone Twill; 10 learners (T); July 30, 1943.

Nardis Sportswear, Inc., 802½ Commerce Street, Dallas, Texas; Women's Wear; 10 percent (T); July 30, 1943.

New Bedford Manufacturing Company, 686 Belleville Ave., New Bedford, Massachusetts; Flannel Nitewear; 10 percent (T); July 30, 1943.

Parrigon Togs, Inc., Wood Street, Bristol, Rhode Island; Infants' and Children's Wearing Apparel; 10 learners (T); July 30, 1943.

Southern Garment Mfg. Co., Inc., Culpeper, Virginia; Work Pants and Breeches; 10 percent (T); July 30, 1943.

Stoughton Garment Company, Stoughton, Wisconsin; Men's Woolen, Rayon, and Cotton Trousers, Sport Shirts, Sport Jackets and Leisure Coats; 10 learners (T); July 30, 1943. (This certificate replaces the one issued to you bearing the expiration date of May 25, 1943.)

United Sheeplined Clothing Co., 804 Broadway, Long Branch, New Jersey; Leather & Field Jackets; 5 percent (T); July 30, 1943.

Hosiery

Hollar Hosiery Mills, Inc., 12th Street, Hickory, North Carolina; Seamless Hosiery; 5 learners (T); July 30, 1943.

Textiles

A. R. K. Silk Mills, Stroudsburg, Pennsylvania; Cotton, Nylon, Rayon, and Silk; 2 learners (T); July 30, 1943.

Krag Silk Company, Stroudsburg, Pennsylvania; Cotton, Silk, Rayon and Nylon; 2 learners (T); July 30, 1943.

Pocono Ribbon Mills, Stroudsburg, Pennsylvania; Cotton, Silk, Rayon and Nylon; 2 learners (T); July 30, 1943.

White Sulphur Industries, Inc., 110 Mountain Avenue, White Sulphur Springs, West Virginia; Acetate Rayon,

Viscose Rayon and Nylon; 3 learners (T); July 30, 1943.

Signed at New York, N. Y., this 28th day of July 1942.

MERLE D. VINCENT,
*Authorized Representative
of the Administrator.*

[F. R. Doc. 42-7302; Filed, July 29, 1942;
10:03 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

NOTICE REGARDING AMENDMENTS OF REGULATIONS

Notice is hereby given that since June 25, 1942, special learner certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Fair Labor Standards Act were issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and under a Determination and Order or Regulation issued pursuant to the Act.

Notice is given further that since July 20, 1942, special certificates issued to manufacturers of single pants, shirts and allied garments, women's apparel, sportswear, rainwear, robes and leather and sheep lined garments, were issued under learner regulations for the Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-lined Garments Divisions of the Apparel Industry, July 20, 1942 (7 F.R. 4724).

Signed at New York, New York, this 27th day of July 1942.

MERLE D. VINCENT,
*Authorized Representative
of the Administrator.*

[F. R. Doc. 42-7304; Filed, July 29, 1942;
10:03 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5678]

JULIO M. CONESA (WPRP)

ORDER DENYING PETITION, ETC.

In re application of Julio M. Conesa (WPRP), Ponce, Puerto Rico, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of July 1942;

The Commission having under consideration the petition of Julio M. Conesa which requests in part that the above-described application be reconsidered and granted and being fully informed in the premises;

It is ordered, That the petition insofar as it requests a reconsideration and grant of the above-described application be, and it is hereby, denied; and

It is further ordered, That the issues heretofore released on the application be,

and they are hereby, amended to read as follows:

1. To determine the applicant's qualifications to construct and operate Station WPRP as proposed.

2. To determine whether or not the equipment proposed to be installed for the operation of Station WPRP complied in all respects with the Rules and Regulations of the Commission and the Standards of Good Engineering Practice.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission in its Memorandum Opinion dated April 27, 1942.

4. To determine whether in view of the foregoing facts, public interest, convenience and necessity would be served by the granting of this application.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-7277; filed July 23, 1942;
1:59 p. m.]

[Docket No. 6037]

HAWAIIAN BROADCASTING SYSTEM, LTD.

ORDER DENYING PETITION, ETC.

In re application of Hawaiian Broadcasting System, Ltd., Honolulu, T. H., for construction permit.

At a session of the Federal Communications Commission held at its office in Washington, D. C., on the 21st day of July 1942;

The Commission having under consideration the petition of Hawaiian Broadcasting System, Ltd., filed May 26, 1942, requesting that its above entitled application be granted, and the opposition thereto filed in behalf of Marion A. Mulrony and Advertiser Publishing Company, Ltd., Intervener;

It is ordered, That said petition be, and it is hereby, denied; and

It is further ordered, That the above entitled application be, and it is hereby, designated for further hearing upon the following issues:

1. To determine whether the granting of the application would be in conformity with the policy announced by the Commission in its Memorandum Opinion of April 27, 1942.

2. To determine whether, in view of the foregoing, the granting of the application would serve public interest, convenience or necessity.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-7278; Filed, July 23, 1942;
1:59 p. m.]

[Docket No. 6107]

JULIO M. CONESA (WPRP)

ORDER DENYING PETITION, ETC.

In re application of Julio M. Conesa (WPRP), Ponce, Puerto Rico, for modification of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of July 1942;

The Commission having under consideration the petition of Julio M. Conesa which requests in part that the above-described application be reconsidered and granted and being fully informed in the premises;

It is ordered, That said petition insofar as it requests a reconsideration and grant of the above-described application be, and it is hereby, denied.

It is further ordered, That the issues heretofore released on the application be, and they are hereby, amended to read as follows:

1. To determine the qualifications of the applicant to construct and operate Station WPRP as proposed.

2. To determine whether the operation of Station WPRP as proposed complies with the Rules of the Commission governing standard broadcast stations, particularly §§ 345 and 346 and the Standards of Good Engineering Practice as to the proposed transmitter, transmitter site and antenna.

3. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its Memorandum Opinion dated April 27, 1942.

4. To determine whether in view of the foregoing the granting of this application would serve public interest, convenience and necessity.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-7279; Filed, July 23, 1942;
1:59 p. m.]

[Docket Nos. 6155 and 6157]

AIR-WAVES, INC. AND LOUISIANA COMMUNICATIONS, INC.

ORDER DENYING PETITIONS, ETC.

In re applications of Air-Waves, Inc., Baton Rouge, Louisiana, for construction permit, and Louisiana Communications, Inc., Baton Rouge, Louisiana, for construction permit.

At a session of the Federal Communications Commission held at its office in Washington, D. C., on the 21st day of July 1942;

The Commission having under consideration the petitions of Air-Waves, Inc. and Louisiana Communications, Inc., filed June 1, 1942, requesting that their above-entitled applications be granted;

It is ordered, That said petitions be, and they are hereby, denied; and

It is further ordered, That the above-entitled applications be, and they are hereby, designated for further hearing upon the following issues:

1. To determine whether the granting of either of the above-entitled applications would be in conformity with the Commission's policy announced by its Memorandum Opinion of April 27, 1942.

2. To determine whether, in view of the foregoing, the granting of either of

said applications would serve public interest, convenience or necessity.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-7280; Filed, July 28, 1942;
1:59 p. m.]

[Docket No. 6190]

NEWARK BROADCASTING CORPORATION

ORDER DENYING PETITION, ETC.

In re application of Newark Broadcasting Corporation (New), Newark, New Jersey, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of July 1942;

The Commission having under consideration the petition of Newark Broadcasting Corporation, filed June 1, 1942, requesting a grant of its above-entitled application;

It is ordered, That said petition be, and it is hereby, denied; and

It is further ordered, That the above-entitled application be, and it is hereby, designated for further hearing upon the following issues:

1. To determine whether the granting of the application would be in conformity with the policy announced by the Commission in its Memorandum Opinion of April 27, 1942.

2. To determine whether, in view of the foregoing, the granting of the application would serve public interest, convenience, or necessity.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-7281; Filed, July 28, 1942;
2:00 p. m.]

[Docket No. 6218]

BEAUFORD H. JESTER

ORDER RETAINING PRESENT DATE OF HEARING

In re application of Beauford H. Jester, Individually and as Trustee for W. W. Callan, DeWitt T. Hicks, Hilton W. Howell, Wilfred W. Naman, Robert G. Levy, Ross M. Sams and Davis Stribling (New), Waco, Texas, for construction permit.

It is ordered, On the Commission's own motion, on this 22nd day of July 1942, that the issues heretofore released on the above-entitled application be, and the same are hereby supplemented by the following issue:

To determine whether the granting of this application would be consistent with the Commission's Memorandum Opinion dated April 27, 1942.

It is further ordered, That the present hearing date on the above-entitled application, namely, September 8, 1942 be, and it is hereby, retained.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-7282; Filed, July 28, 1942;
2:00 p. m.]

[Docket No. 6305]

FOULKROD RADIO ENGINEERING Co. (WTEL)

ORDER DENYING PETITION, ETC.

In re application of Foulkrod Radio Engineering Co. (WTEL), Philadelphia, Pennsylvania, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of July 1942;

The Commission having under consideration the petition of the Foulkrod Radio Engineering Company (WTEL) filed May 27, 1942 for a grant of the above-described application, and being fully informed in the premises;

It is ordered, That the petition be, and it is hereby, denied; and

It is further ordered, That the application be heard upon the following issues:

1. To determine whether the granting of the application would be in conformity with the policy announced by the Commission in its Memorandum Opinion of April 27, 1942.

2. To determine whether, in view of the foregoing, the granting of the application would serve public interest, convenience or necessity.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-7283; Filed, July 28, 1942;
2:00 p. m.]

[Docket No. 6383]

PACIFIC TOW BOAT Co. (WEBP)

ORDER FOR HEARING

In re Pacific Tow Boat Company (WEBP), Everett, Washington, revocation of ship radio station license.

At a regular meeting of the Commission, held in its offices at Washington, D. C., on the 21st day of July 1942;

The Commission having under consideration the order issued on June 16, 1942, revoking the license of Pacific Tow Boat Company, Everett, Washington, for the operation of ship radio station WEBP, and the application requesting hearing thereon filed by said Pacific Tow Boat Company, and being fully advised in the premises;

It is ordered, That this matter be, and it is hereby, set for hearing before a Commissioner at a time and place to be hereafter designated.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-7284; Filed, July 28, 1942;
2:00 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[Docket No. 3163-6]

KINGSLEY COMPANY

ADJUSTABLE PRICING CONTRACTS DURING PENDENCY OF PETITION

Order No. 1 under Maximum Price Regulation No. 163¹—Woolen and Worsted Civilian Apparel Fabrics.

¹7 F.R. 4513, 4733, 4734.

Granting permission to the Kingsley Company to agree to adjust prices upon delivery made during pendency of this petition in accordance with disposition thereof.

On July 17, 1942, The Kingsley Company, 23 East 26th Street, New York City, New York, filed a petition for amendment and exception to Maximum Price Regulation No. 163, pursuant to the provisions of § 1410.114 of Maximum Price Regulation No. 163. Pending consideration of this petition and for the reasons set forth in an Opinion which has been issued simultaneously herewith and has been filed with the Division of the Federal Register,* it has been determined to allow petitioner to enter into adjustable pricing contracts. For the reasons set forth in the Opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and, in accordance with Procedural Regulation No. 1,² issued by the Office of Price Administration, it is hereby ordered:

(a) The Kingsley Company may make deliveries, during the pendency of its petition for amendment and exception, of the fabrics ordered prior to June 22, 1942 at the contract prices and agree to adjust prices upon deliveries so made in accordance with the disposition of said petition. In any case where such contract price is in excess of the maximum price for the Kingsley Company determined after final disposition of said petition, the Kingsley Company shall, within ten days after the issuance of the order denying or granting said petition, refund to the purchaser the amount of such excess. That in the case of such deliveries, the Kingsley Company need not furnish the invoices or similar documents required by § 1410.103 (d) of Maximum Price Regulation No. 163.

(b) This Order No. 1 may be revoked or amended by the Price Administrator at any time, and in any event, is to be effective only to the date upon which said petition is finally disposed of.

(c) Unless the context otherwise requires, the definitions set forth in § 1410.115 of Maximum Price Regulation No. 163 shall apply to the terms used herein.

(d) This Order No. 1 shall become effective on the 29th day of July 1942.

Issued this 28th day of July 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-7287; Filed, July 28, 1942;
4:54 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-295]

NORTHERN INDIANA POWER COMPANY, AND CENTRAL INDIANA POWER COMPANY

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its

*Copies may be obtained from the Office of Price Administration.

²7 F.R. 971, 3663.

office in the City of Philadelphia, Pa., on the 23d day of July, A. D. 1942.

The above named companies having heretofore filed an application and declarations concerned with the proposed issuance by Northern Indiana Power Company, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, of \$10,038,000 aggregate principal amount of First Mortgage Bonds, Series A, 4¼%, due January 1, 1965, for the purpose of refunding all of its First Mortgage Bonds at that time outstanding, certain of said bonds being held by Central Indiana Power Company, immediate parent of Northern Indiana Power Company;

Subsequent to the filing of said application and declarations, and prior to the effective date and approval thereof, the Commission approved a consolidation of applicant and declarant together with certain other companies, resulting in the creation of Public Service Company of Indiana, Inc.; the problems raised by the above described application and declarations having become moot; a written request having been received by the Commission from the applicant and declarant seeking the withdrawal of said application and declarations;

It is ordered, That the request to withdraw the above described application and declarations be, and the same hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-7290; Filed, July 29, 1942;
9:36 a. m.]

[File No. 1-3054]

DURHAM MANUFACTURING COMPANY

ORDER POSTPONING HEARING AND CHANGING TRIAL EXAMINER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 27th day of July, A. D. 1942.

The Durham Manufacturing Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its \$1 Par Common Stock from listing and registration on the Detroit Stock Exchange; and

The Commission having ordered that a hearing be held in this matter on Tuesday, July 28, 1942, in Philadelphia, Pennsylvania, before Charles S. Lobingier, an officer of the Commission; and

Counsel for the Commission having requested a postponement of said hearing to which counsel for the applicant has consented; and

The Commission deeming it necessary to grant such postponement and to change the trial examiner in this proceeding, because of conflicting engagements;

It is ordered, That the matter be set down for hearing at 10 a. m. Monday, September 28, 1942, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Robert P. Reeder, or any other officer or officers of the Commission named by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-7291; Filed, July 29, 1942;
9:36 a. m.]

[File No. 70-469]

LACLEDE GAS LIGHT CO. AND OGDEN CORP.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 27th day of July 1942.

Ogden Corporation, a registered holding company, having filed an amendment to its application in the above-captioned matter requesting approval of the sale to The Equitable Life Assurance Society of the United States of \$1,998,000 principal amount of The Laclede Gas Light Company Refunding and Extension Mortgage 5% Gold Bonds, dated April 1, 1940 and extended to April 1, 1945, and such additional bonds as Ogden might acquire through July 28, 1942, the aggregate principal amount not to exceed \$2,500,000;

Ogden Corporation having applied, pursuant to Paragraph (a) (5) (C) of Rule U-50, for an exception from the provisions of such Rule requiring competitive bidding;

A public hearing having been held upon such matter, after appropriate notice; the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That said application as amended, be and the same hereby is granted, subject, however, to the terms and conditions of Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-7292; Filed, July 29, 1942;
9:36 a. m.]

WAR PRODUCTION BOARD.

[Certificate No. 7]

MANUFACTURE OF SYNTHETIC RUBBER

THE ATTORNEY GENERAL:

Reference is made to certain agreements described below previously entered into by Rubber Reserve Company relating to the use and exchange of technical information and patent rights concerning the manufacture of synthetic rubber and raw materials therefor. Rubber Reserve Company has requested that such agreements be certified pursuant to section 12 of Public Law No. 603, 77th Congress, approved June 11, 1942, with respect to acts or things done in compliance with said agreements from and after the date of approval of Public Law No. 603.

I understand that the agreements referred to have your approval insofar as the antitrust policies of the Department of Justice are concerned, upon the understanding that those agreements do not derogate from, or in any way modify, the rights of the parties under the consent decree entered in the District Court of the United States for the District of New Jersey on March 25, 1942, in the case of *United States of America v. The Standard Oil Company (N. J.) et al.*

Accordingly, for the purposes of section 12 of Public Law No. 603, and subject to the same understanding as to the application of the consent decree described above, I hereby approve said agreements, more particularly described below, and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, from and after June 11, 1942, in compliance with my approval herein expressed, by the parties to said agreements, is requisite to the prosecution of the war:

(1) "Agreement on Exchange and Use of Technical Information" (pertaining to the manufacture of synthetic rubber of the Perbunan Type and of the Butadiene-Styrene Copolymer Type), dated December 19, 1941, between Rubber Reserve Company and The Goodyear Tire & Rubber Company, The Firestone Tire & Rubber Company, United States Rubber Company, Hycar Chemical Company, and Standard Oil Development Company, and ratified by Standard Oil Company (New Jersey), Phillips Petroleum Company, and The B. F. Goodrich Company.

(2) "General Agreement on Exchange and Use of Technical Information Relating to Butadiene", dated February 5, 1942, between Rubber Reserve Company and Universal Oil Products Company, Standard Oil Development Company, Shell Development Company, Humble Oil and Refining Company, Koppers Company, Shell Oil Company, Incorporated, Shell Chemical Company, Carbide and Carbon Chemicals Corporation, Phillips Petroleum Company, Celanese Corporation of America, Standard Oil Company of Louisiana, Hycar Chemical Company, The Dow Chemical Company, and The United Gas Improvement Company, and ratified by Jasco, Inc., The

M. W. Kellogg Company, Koppers United Company, The Lummus Company, and The B. F. Goodrich Company.

(3) "Substitute Agreement Regarding Exchange and Use of Technical Information and Patent Rights Under Oil Industry Processes for Production of Butadiene", dated February 5, 1942, between Rubber Reserve Company and Universal Oil Products Company, Standard Oil Development Company, Shell Development Company, and Phillips Petroleum Company, and ratified by Jasco, Inc., The M. W. Kellogg Company, and The Lummus Company.

(4) "Agreement on Exchange and Use of Technical Information Relating to Styrene", dated March 4, 1942, between Rubber Reserve Company and Universal Oil Products Company, Standard Oil Development Company, Jasco, Inc., Koppers Company, Koppers United Company, Monsanto Chemical Company, Carbide and Carbon Chemicals Corporation, Phillips Petroleum Company, The Lummus Company, and The Dow Chemical Company.

(5) "Supplement to Agreement on Exchange and Use of Technical Information" (supplementing (1) above in cer-

tain respects), dated June 12, 1942, between Rubber Reserve Company and The Goodyear Tire & Rubber Company, The Firestone Tire & Rubber Company, United States Rubber Company, Hycar Chemical Company, Standard Oil Development Company, The B. F. Goodrich Company, Standard Oil Company (New Jersey), and Phillips Petroleum Company.

DONALD M. NELSON,
Chairman.

JULY 28, 1942.

[F. R. Doc. 42-7306; Filed, July 29, 1942;
10:40 a. m.]